

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

NOVEMBER 28, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:01 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

17-0938 AGENDA ITEM 3 Public Comment.

Ms. Tammy Holt-Still stated the water in Lemmon Valley was still there. She displayed photos that were taken on November 2nd which she claimed Director of Engineering Dwayne Smith said depicted a natural spring that fed into a culvert above the Stead sewer plant. She showed more pictures of the area taken on November 16th that she was also told was a natural spring. She stated a large amount of water was traveling through the culvert to Swan Lake. She displayed a photo of Lemmon Drive at Patrician Drive and stated that particular area was currently dry. She was concerned about how much water was going into Swan Lake after a small storm. She said the residents were told development had nothing to do with how much water was traveling through the culvert. She displayed a picture of a home that had water up to the sandbags. She noted those residents were disabled veterans and had been homeless since January. She said the residents received a letter from the County Building Inspector, which stated the necessary work had not been performed for the house to be livable. If the homeowners moved the sandbags, the water would flow into the house. She displayed a picture of water being pumped into a culvert that was overflowing and flooding in the area of Pompe Way.

Mr. Michael Welling stated he was a resident of the Red Rock and Silver Knolls area. He said the previous spring he addressed his concerns regarding the Lifestyle Homes project called Silver Hills. He said the developer asked the Board for an extension of the 680 home project, which the Board agreed to. The first action taken after asking for the extension was a requested amendment for a density change. He met with Lifestyle Homes President Mr. Peter Lissner to discuss a firebreak between the current

neighborhood and their property, which had not been taken care of for years. He said they met three additional times regarding the property and at no time was there any mention of cutting a firebreak. He noted a major fire occurred in the area within the past fire season and he thought Mr. Lissner had no intention of installing a firebreak. He was concerned the developer would not follow through with other promises made. He asked the Board to rescind its vote and remove the developer's ability to build 2,400 homes in an area originally slated for 680 homes. He thought the developer should be required to restart the building and development process.

Commissioner Herman said she was presenting information for a solution in Lemmon Valley. She provided documents, which were distributed to the Board and placed on file with the Clerk. The packet of documents contained statements signed by the flood victims who wished to have their homes elevated rather than purchased. Included in the packet were estimates from a licensed contractor for the cost of elevating homes ranging from \$20,000 to \$30,000. She noted the estimates were from a licensed concrete contractor who was ready and willing to start repairing and building up the foundations at an average price of \$40,000. She stated the average cost would be \$60,000 and there would be money to spare to fund grading and the purchase of fill material. She said months ago she contacted a man at a bank who promised to provide interim funding in the amount of \$700,000 to assist residents get back into their homes. She had hoped to start the process months ago at a Flood Authority meeting, but the idea was voted down. She said the storms would be coming and there was no time to waste. She wanted to vote on this issue at the next meeting. She thought the money that was requested from the Federal Emergency Management Agency (FEMA) could be utilized to elevate approximately 40 homes. She said her home was built in 1980 and was still very livable.

Ms. Elise Weatherly spoke regarding a shirt she wore to support her brother's band, a You-Tube character named KE, Travis Lucia, the Lemmon Valley flooding issues, and the lack of maintenance for area culverts. She thought the community needed to work together.

17-0939 AGENDA ITEM 4 Announcements/Reports.

Commissioner Hartung asked to utilize two hours of staff time to obtain information about a piece of the Development Code regarding additions to homes. He thought residents should be allowed to build larger additions onto their homes. He asked for a conversation to occur about providing the County Engineer with more flexibility regarding budgeted money because each project had to be brought to the Board for the approval to move forward. He thought there were sufficient checks and balances for the pre-approved projects to move forward without Board involvement. He requested an agenda item regarding the raising of homes in Lemmon Valley and the solutions that Commissioner Herman spoke about during public comment. He wanted to ensure all the issues would be permanently fixed, including septic tanks and wells. He was concerned about septic tank leach lines and whether or not they would work properly when the ground was oversaturated.

Commissioner Berkbigler stated she also wanted to discuss Lemmon Valley. She was concerned for the people living in less than satisfactory conditions and for those unable to live in their homes due to the natural disasters. She said natural disasters were not the fault of the taxpayers or the government. She did not understand how raising a house in Lemmon Valley would solve the problem with its septic tank or well. She agreed a public conversation needed to occur and she requested the topic to be added to an upcoming agenda as quickly as possible.

Commissioner Herman stated no problems had been reported in regards to septic tanks and wells once the floodwaters receded. If the area flooded again, the residents could temporarily utilize outhouses. She did not understand why the elevation reports were being performed all over the County in order for residents to obtain flood insurance, but it was not favored in Lemmon Valley. She wanted the issue placed on an agenda quickly because it was predicted the month of January would be a period of high precipitation. She commented on the recurring Sage Grouse problem and stated she provided related materials to the County Manager. She expressed concerns about the removal of books from the Gerlach Library. She wanted someone to investigate why the school gym in Gerlach was closed and much of the school was not being utilized. She said the Verdi Library still had limited hours and she wanted that to be resolved.

Commissioner Herman stated she had received a call from a constituent who had a serious problem with a nearby ditch. The constituent was attempting to build a house but due to issues with a ditch and weather their building permit had expired. She thought the constituent should receive an extension free of charge because the ditch on their property did not have concrete lining for protection as did other nearby homes. The County staff that was scheduled to walk the property and talk with the property owners did not show up as planned.

Commissioner Herman remarked Dr. Simmons was happy that he was a candidate for the Animal Board again because he was very experienced in the issues the board dealt with. She also spoke about a bus in Cold Springs that was supposed to be utilized to transport seniors to doctor appointments; she wanted to know why the bus was not being used more often. She said she had received a call from a man whom along with his dog was attacked by dogs that were not leashed; the attack resulted in hospital and veterinarian bills. She asked staff to investigate the issue and find out why Animal Services would not provide information regarding vaccination records.

Commissioner Herman commented she had been receiving mail at her home for someone who did not live there. She said the person's name was attached to multiple addresses; the Registrar of Voters indicated the name could not be removed from her address for five years. She wanted staff to research whether or not this issue would allow people to vote in multiple districts.

Commissioner Jung stated she met with Dr. Larry Weiss regarding elder care and a workplace focus group report. She wanted the Human Resources Department to consider taking the same approach to elder care situations as they did with pregnancy

and childcare. As the population changed, more County employees were providing care and support to their aging parents or spouse and she thought it could become an issue. She wanted to see some sort of support provided to those employees. Data indicated caretakers were 8 percent more likely to die an untimely death. She noted 15 to 18 percent of the caretakers saw a decrease in their productivity at work and this was costing companies millions of dollars per year. She added this data did not include employees who left or quit to care for their loved ones full-time. She requested more than two hours of staff time for staff from Human Resources and the Manager's office to discuss ways to support senior health advocates and bring information back to the Board for discussion.

Commissioner Hartung stated when staff brought information back about Lemmon Valley, he wanted to discuss the future costs the County could incur to house residents who were unable stay in their homes due to health reasons, including the cost to board their animals.

Commissioner Herman commented she thought Lemmon Valley was being singled out as being unworthy of receiving help. She was upset because the residents of Lemmon Valley had suffered for a long time and their houses would be livable if the solutions were put in place. She said there had not been any reports of issues with septic tanks and wells once the flood water receded; it was only an issue when floodwater was present.

Chair Lucey stated the issues in Lemmon Valley were not agendaized and could not be discussed further; however, it could be brought back on a future agenda. He asked staff to provide information regarding a Special Assessment District (SAD) for areas affected by flooding near Andrew Lane in the South Valleys. He said he toured the South Valleys during the recent rain event and was concerned. He wanted to have further discussions regarding the ditches and possible solutions for Mount Rose Highway off Timberline Road. He asked for an update from staff regarding the status of the request for proposal for the P25 radio system. He also wanted an update on the amendment to the Development Code related to restricted gaming licenses.

County Manager John Slaughter stated Agenda Item 9I1 was removed from the Consent Agenda. He suggested Agenda Item 9D, which was the approval of the Comprehensive Annual Financial Report (CAFR), remain on the consent agenda, but to allow the auditor time to speak on the item. He said the cargo container issue was reviewed by the Planning Commission and would be on a future agenda in early 2018. He said the Regional Dispatch Consolidation Study was conducted earlier in the year and had been analyzed regarding the consolidation of dispatch services between Washoe County and the City of Reno. The study found that operational consolidation was feasible and there was opportunity to reduce overall costs. He stated City of Reno staff had no interest in taking the item to their City Council and it had been recommended that the County perform a stand-alone study. The study was currently underway and would be brought back to the Board in early 2018. In regards to the constituent who had issues with the Mogul Highland ditch, the issue was being reviewed by staff and a resolution would be brought to the Board. He said staff would investigate the report of a dog attack and

determine if a resolution was established. In response to public comment regarding culverts in the Swan Lake area, he said the culvert in question was located in Stead. He indicated the culvert was part of the stormwater drainage system in the Granite Hills subdivision located in the City of Reno. He said that entire subdivision was within the East Lemmon Valley hydrographic basin, which was the same watershed as Swan Lake. He noted this information was provided to the Lemmon Valley Flood Relief Assistance Group. He said at the September 12th meeting the Board directed staff to maintain the HESCO barriers in Lemmon Valley, pursue the development of the flood response plan, pursue the development of a flood mitigation plan and to continue their pursuit of Federal Emergency Response Agency (FEMA) grant money for the possible purchase of specific flooded residences. He stated staff could bring forward information about elevations in Lemmon Valley, but they had met with homeowners and were moving forward with the buyout program. Any changes to the stated direction would be discussed during a future meeting.

There was no public comment or action taken on this item.

17-0940 **AGENDA ITEM 5** Introduction of new Washoe County Employees.

John Slaughter, County Manager, asked the following employees to introduce themselves to the Board:

Jeffrey Belle, Technology Services
Stephanie Chen, Health/Community and Clinical Services
Hunter Halcomb, Recorder's Office
Kristin Lindquist, Animal Services
Mike Lucido, Sheriff's Office
Lauren Mixie, Human Services Agency

There was no public comment or action taken on this item.

17-0941 **AGENDA ITEM 6** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.

John Slaughter, County Manager, recognized the following employees:

Promote Yourself! Mini Certificate Program

Vikki Lockhart, Comptroller
Koelyn Rollison, Assessor
Sara Warr, Voters

Essentials of High Performing Teams

Pam Eckhardt, District Attorney
Gloria Jimenez, District Attorney

Essentials of Management Development

Carol Smith, Animal Services

Essentials of Personal Effectiveness

Pam Larsen, Library

Essentials of SAP for HR Reps

Carol Smith, Animal Services

Erick Willrich, Human Services Agency

Essentials of SAP for Financial Staff

Carol Smith, Animal Services

There was no public comment or action taken on this item.

DONATIONS

17-0942 **7A** Accept a donation of [\$1,000.00] from the Reno Air Racing Association, Inc., dba National Championship Air Races to the Washoe County Sheriff's Office for the Citizen Corps Program (CCP), including funds to be used for food purchases, and, if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)

17-0943 **7B** Accept donation of [\$1,500.00] from Beckett, Yott, McCarty & Spann, Attorneys at Law for the Washoe County Law Library and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)

Ms. Emily Reid introduced herself as the Self Help and Law Library Program Manager for the Second Judicial District Court. She thanked Beckett, Yott, McCarty & Spann, for their donation as well as the Commissioners for their support of the Self Help Center and Law Library. She noted between January and October of 2017, they were able to assist close to 23,000 members of the community.

There was no public comment on the donations listed above.

On motion by Commissioner Jung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Items 7A to 7B be accepted.

PROCLAMATIONS

17-0944 **8A** Proclaim a heartfelt gratitude and thanks to the Spanish Springs High School JROTC for their extraordinary community service - Requested by Commissioner Vaughn Hartung. Manager. (All Commission Districts.)

Commissioner Hartung read and presented the Proclamation to Mr. Sam Metz, Lieutenant Jairo Bonilla and Lieutenant Colonel Blane Wales, a Washoe County School District teacher.

There was no public comment on the Proclamation listed above.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8A be adopted.

CONSENT AGENDA ITEMS – 9A THROUGH 9H2 AND 9I2 THROUGH 9J2

- 17-0945** **9A** Approve the reappointment of Dr. Richard Simmonds, D.V.M., M.S., to the Animal Control Board (Exotic Animal Member) effective December 2, 2017 to December 1, 2021. Animal Services (All Commission Districts)
- 17-0946** **9B** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017 and 2017/2018 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibits A and B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$144,955.39]. Assessor. (Commission Districts 1, 2, 3, 4, 5.)
- 17-0947** **9C** Retroactively accept Community Development Block Grant (CDBG) program income [\$16,011.72] received by Washoe County through repayment of a CDBG housing rehabilitation project; approve the use of funds [\$16,011.72] to support the CDBG Heppner Well Abandonment and Community Water Service Connection project; and if approved, direct the Comptroller's Office to make the necessary fiscal year 2018 budget amendment [\$39,719.27] to record the balance of unspent CDBG funds through the end of fiscal year 2017. Community Services. (Commission District 5.)
- 17-0948** **9D** Acknowledge receipt of the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report, and report on internal control for the fiscal year ended June 30, 2017 as presented; approve the re-appropriation of (\$30,035,626) for the fiscal year 2018 budget, consisting of (\$12,616,500) for purchase order encumbrances committed in fiscal year 2017 and (\$17,419,126) for spending of restricted contributions and fees; and, authorize the Comptroller to proceed with distribution of the CAFR for public record, as required by law. Comptroller. (All Commission Districts.)

- 17-0949** **9E** Approve amendments totaling an increase of [\$27,000] in both revenue and expense to the FY18 Public Safety & Emergency Responder Awareness Training Grant Program, IO 11450; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts)
- 17-0950** **9F1** Approve an Agreement for Professional Consulting Services between Washoe County and Ch2M Hill, Engineers, Inc., through April 30, 2018, to provide consulting and engineering services for combined record drawings and DynaSand EcoWash system SCADA integration for the South Truckee Meadows Water Reclamation Facility [\$105,000]. Community Services. (Commission District 2.)
- 17-0951** **9F2** Approve a CC-213 Recertification form for the Community Rating System Annual Recertification Submittal to the National Flood Insurance Program for a continued reduction in required flood insurance policy premiums for unincorporated Washoe County residents located within designated special flood hazard areas. Community Services. (All Commission Districts.)
- 17-0952** **9F3** Approval of a resolution initiating an amendment to the Washoe County Master Plan, Spanish Springs Area Plan Policy SS.1.3(f), to remove or modify a clause that currently limits the General Commercial (GC) regulatory zone to properties with a regulatory zone of GC prior to August 17, 2004. Community Services. (Commission District 4.)
- 17-0953** **9G1** Approve payments totaling [\$6,224.20] to vendors for assistance of 55 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims and other eligible persons. District Attorney. (All Commission Districts.)
- 17-0954** **9G2** Approve to accept an additional Victim of Crime Act (VOCA) grant to the District Attorney's Office in the amount of \$50,000 (\$12,500 required match), from the State Division of Child and Family Services (DCFS) to provide victim services through the Victim Witness Assistance Center; retroactive from September 1, 2017 through June 30, 2018. Direct the Comptroller to make the necessary budget amendments. District Attorney. (All Commission Districts.)
- 17-0955** **9H1** Approve grant award for FY 2017-2018 for Friends of Washoe County Child Advocacy Center in the [amount of \$25,000]; approve Resolution necessary for same. Manager. (All Commission Districts.)

- 17-0956** **9H2** Approve Commission District Special Fund disbursement [in the amount of \$14,000] for Fiscal Year 2017-2018; District 1 Commissioner Marsha Berkgigler recommends [\$14,000] grant to the Human Services Agency to support of the development of the Incline Community Center; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfers. Manager. (Commission District 1.)
- 17-0957** **9I2** Acknowledge a Specialty Court General Fund Allocation from the Judicial Council of the State of Nevada to the Reno Justice Court [\$111,014.00 for FY18, no match required], paid in quarterly installments retroactive to July 1, 2017 through June 30, 2018; and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 17-0958** **9I3** Acknowledge a DUI Specialty Court grant award from the Judicial Council of the State of Nevada (JCSN) to the Reno Justice Court [\$22,500.00/ no match required], retroactive from July 1, 2017 through June 30, 2018; and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 17-0959** **9J1** Approve acceptance funding of a grant award [\$60,000, no match required] from the Las Vegas Metropolitan Police Department on Behalf Of The Washoe County Sheriff's Office for reimbursement of expenses associated with Internet Crimes Against Children investigations for the retroactive grant period of 7/1/17 through 9/30/18, and if approved, direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 17-0960** **9J2** Approve the Sheriff's Security Agreement between Lou Fascio Inc. and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security [costs to be reimbursed by Lou Fascio Inc] during the Big Reno Show at the Grand Sierra Resort and Casino for the retroactive dates of 11/10/17 through 11/12/17. Sheriff. (All Commission Districts.)

Comptroller Cathy Hill spoke regarding Consent Agenda Item 9D and commended her team for compiling the Comprehensive Annual Financial Report (CAFR). She thanked Accounting Managers Robert Andrews and Russ Morgan; Senior Accountants Darlene Delany, Tammy Yau, Asta Dominguez and Crystal Varnum; Accountants II Marty Williams and Joyce Garrett; and Administrative Secretaries Edwin Smith and Jeri Renshaw for their hard work on the large and detailed report.

Eide Bailey Partner Ms. Felicia O'Carroll spoke regarding the County's CAFR. She stated Nevada Revised Statute (NRS) required the audited financial statements to be presented to the Board within 30 days of receipt by the County. She

recognized her team, Kurt Schlicker and Courtney Jaeger who facilitated the annual audit and stated the audit was a team effort. On the financial audit, the County received an unmodified opinion, which was the highest level of assurance that the Certified Public Account (CPA) profession offered. She stated it was not easy to achieve that rating because the County was a large, complex organization with over a billion dollars on the balance sheet. She drew attention to the management's discussion and analysis that was an easy to read descriptive recap for the year compiled by the Comptroller's Office. She noted that in two of the three categories, the County had a positive net position, which meant the assets minus the liabilities equaled a positive number. She stated the two categories with positive net position were Investments and Capital Investments, which included land, buildings, vehicles, and parks. The restricted assets set aside specifically by third parties for capital construction, public safety, and some of the bond conveyances were required amounts for debt service. The deficit came from the unrestricted assets. This deficit was due to the requirement to bring on the County's portioned share of the unfunded Public Employees Retirement System (PERS) liability. She said there were notes in the financial statements regarding new accounting practices that were put in place. One of the practices related to the Other Post-Employment Benefits (OPEB) Trust, which impacted the County which impacted the County's financials. There were no potential significant NRS or Nevada Administrative Code (NAC) violations. She explained there were some over expenditures, but staff was convinced they were clarified under the exceptions to over expenditure qualifications in the NRS. She reviewed the notes to the financial statement, which started on page 39 of the CAFR and stated it had been a good audit year. She indicated one finding was discovered within the prior period adjustment for OPEB which was not correct and a material adjustment was made. She said it was important to the Comptroller that Eide Bailey present both the financial audit and the single audit (Federal Grant Audit). She noted Eide Bailey Audit Manager Kurt Schlicker would present the second audit. The CAFR was distributed to the Board and placed on file with the Clerk.

Mr. Schlicker stated the County had more than \$37,000,000 in federal awards. He said that was one of the highest award amounts in the State of Nevada. He stated audits required a percentage of programs to be audited each year and the current year warranted the review of five programs which included Foster Care, Adoption Assistance, Federal Surplus Property, State Criminal Alien Assistance and Crime Victim Assistance. He noted within the audit they discovered five findings related to State Criminal Alien Assistance and Crime Victim Assistance programs. He stated one material weakness was noted and that was related to the donation of Federal Surplus Property. The property donation was reported in the incorrect fiscal year and required the auditors to reissue the previous year's audit as well. He noted a significant deficiency was reported to Foster Care and Adoption Assistance related to the cost allocation plan. He stated two of the findings were repeated from the previous year.

Chair Lucey thanked Ms. Hill for her dedication to the annual CAFR. He noted the Comptroller's Office had a wonderful staff.

Commissioner Jung recognized Ms. Hill for her stewardship of the financial office. She thanked her for doing a great job.

On the call for public comment, Ms. Tammy Holt-Still spoke regarding Agenda Item 9C. She was concerned about the money going back into the general fund and wondered why it was not used to help the Lemmon Valley residents who no longer received State assistance. She said funds were still available and the County should be helping the Lemmon Valley residents.

Commissioner Hartung asked for a brief explanation of Agenda Item 9F2.

Director of Engineering Dwayne Smith said staff was proud of the Flood Insurance Rate Map (FIRM) Program. He stated the program started in 2008 and saved County residents 15 percent on flood insurance policies. He stated staff was happy to be in a position to save residents money on their flood insurance. He thanked his staff for the time they invested in the FIRM Program.

11:16 a.m. Commissioner Jung left the meeting.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Jung absent, it was ordered that Consent Agenda Items 9A through 9H2 and 9I2 through 9J2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 9A through 9H2 and 9I2 through 9J2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 10 THROUGH 13.

17-0961 **AGENDA ITEM 10** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and the Board of Regents, Nevada System of Higher Education, on behalf of University of Nevada, Department of Civil and Environmental Engineering commencing December 1, 2017 through December 31, 2018, to provide technical and economic analysis supporting a regional reclaimed water feasibility study [\$234,330]. Community Services. (All Commission Districts.)

Commissioner Hartung drew attention to the County's support of the program and the importance it held to the future of the region. He stated Assistant County Manager Dave Solaro, Director of Engineering Dwayne Smith, Senior Engineer Rick Warner and Environmental Engineer Lydia Peri had been working with University of Nevada, Reno Professor and Environmental Engineer Program Director Krishna Pagilla. He said the use of reclaimed water for drinking purposes would promise a sustainable future for the region and he wanted Mr. Pagilla to conduct a presentation for the Board.

Chair Lucey stated Commissioner Hartung was a great advocate for the water college and thanked him for his commitment to water in the region. He said Commissioner Hartung's efforts and continued support had led to developments within the program. He thought the County would become a leader in the reclaimed water process.

Commissioner Berkbigler echoed Chair Lucey's statement. She said water was gold to the residents of the area and this program would provide outstanding benefits for the future.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

17-0962 **AGENDA ITEM 11** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Sierra Controls, Inc. through December 15, 2019, to provide design, engineering, assembly, and installation services of upgraded telemetry and control systems at 11 sewer pump stations [\$295,015]. Community Services. (Commission District 2.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 11 be approved.

17-0963 **AGENDA ITEM 12** Recommendation to approve the FY18 Senior Mental Health grant from the State of Nevada Division of Public and Behavioral Health (DPBH) to provide mental health support for seniors in the amount of [\$75,000; no county match] retroactively from October 1, 2017 through September 30, 2018; authorize the Director of Human Services to execute the grant documents; and direct the Comptroller's Office to make the appropriate budget amendments. Human Services Agency. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 12 be approved, authorized and directed.

17-0964 **AGENDA ITEM 13** Recommendation to approve an Intrastate Interlocal Contract between Public Agencies, a contract between the State of Nevada acting by and through its Department of Health and Human Services Division of Public and Behavioral Health Lake's Crossing Center and Washoe County for professional services to conduct mental health evaluations of defendants; Retroactive from July 1, 2017 to June 30, 2021, not to exceed [\$1,884,800] for the four-year term, [\$417,200] annually. Manager. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 13 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

11:24 a.m. **Commissioner Jung returned to the meeting.**

17-0965 **AGENDA ITEM 14** Discussion and possible approval of amendment to Waste Management franchise agreement to change provisions concerning sizes and options for containers, options for allowable excess waste, and billing language clarification. Manager. (All Commission Districts.)

Assistant County Manager Kate Thomas spoke regarding the proposed Waste Management (WM) amendment to the franchise agreement. She noted the three recommendations listed in the staff report related to container size, bulk sticker packages and billing language clarification. She stated a change was made to Exhibit B in the staff report rate sheet. She provided updated documents to the Board, which were placed on file with the Clerk.

Commissioner Hartung asked about the status of the Ombudsman position. Ms. Thomas stated WM made some changes in personnel to assist with the customer service issues, but had not brought an Ombudsman on board as of yet.

Commissioner Hartung thought that was a condition of the original agreement. He stated this was an important issue as he continued to receive calls from frustrated constituents who could not contact customer service at WM to assist with their issues. He wondered why the County did not provide a chance for Liberty Waste to bid on servicing the area. Ms. Thomas explained Liberty Waste did not have exclusive access to a local landfill. WM's proposal had come out on top because they owned and controlled the local landfill and heavily contributed to local infrastructure.

Commissioner Hartung noted County's geography rendered it a hard region to service. He noted each city had a different franchise agreement and each area had unique issues and challenges. He reiterated his concern that WM had not hired an Ombudsman.

Commissioner Herman thought the County should secure land for a landfill and allow competition to bid for the region's service. She wanted better options for the future and was unhappy about the length of the 20-year franchise agreement.

Commissioner Jung asked for a two hours of staff time to research the possibility of securing a landfill for the region. She commented since WM owned the landfill, they had no incentive to recycle the trash rather than bury it.

Chair Lucey stated the topic had been discussed and there were parcels of land available to the County that could facilitate a landfill. He was interested to hear what a County-owned landfill would entail and what the benefits to the region might be.

Deputy District Attorney Paul Lipparelli stated section 3.3 of the franchise agreement made it WM's contractual duty to designate and maintain an Ombudsman. He said they were required to notify the County when the individual was on board. He noted this was a WM performance issue. He said the Board could proceed and vote on the amendment to the agreement and then address the performance issue. He concluded the issue with the Ombudsman did not need to be included in the motion for this agenda item because it was already required in the agreement.

Commissioner Hartung stated he knew the language contained in the agreement said WM "shall" designate and maintain an Ombudsman for the duration of the agreement and as of yet there was no one in place. He stated he was uncomfortable because he continued to receive and forward calls to Washoe 311 for assistance. He thought the County should not be put in the middle of WM's customer service issues and wondered what safeguards were in the contract to protect the County if it was decided to cancel it.

Commissioner Berkgigler said page 19 of the Franchise Agreement contained a map of the Washoe County franchise zone and she clarified that the area around Incline Village was franchised to the Incline Village General Improvement District, not to the County.

Mr. Lipparelli stated a funding out clause was contained within the contract, which recognized if a future Board of County Commissioners did not authorize the revenues necessary for the performance of the contract, the contract could be revoked. He stated this allowed for termination by the parties in the event of default and breach and could be applied to the Ombudsman issue. He stated if the company was not performing, the County could place them on notice of non-performance and the contract could be revoked if the company was non-compliant. He explained franchise agreements by nature tended to be longer than other agreements because of the requirement for the franchisee to invest in the infrastructure of the community. He said it would not be easy to replace the infrastructure such as transfer stations and garbage trucks to operate a business such as WM, and the long duration of the agreements reflected the company's investment. The length of the franchise agreement was typical due to the infrastructure commitment.

Chair Lucey asked Mr. Lipparelli if there was a way for the County to add a limit or deadline for WM to comply with the requirement for an Ombudsman.

Mr. Lipparelli said he thought the duty for WM to provide the Ombudsman was already included in the contract. He stated the County could send a letter to WM to acknowledge they were out of compliance for not filling the position and provide them a reasonable date to comply with the agreement.

Chair Lucey asked Ms. Thomas about amendments to the agreement regarding commercial trash and cart service and said he was under the impression that no changes were being made to any of the commercial services. Ms. Thomas replied the changes were only for clarification purposes and there were no changes to commercial services.

On the call for public comment, Mr. Mark McKinnon said he owned three businesses in Reno. He received a cease and desist letter from WM's attorney for being in breach of a City contract. He said later he received a letter from the Code Enforcement Officer regarding fines, which he did not intend to pay. He was threatened with jail time over issues with trash. He stated this was a serious issue and it needed to be addressed. He displayed a video recording of a Reno City Council meeting from his cellular phone. Reno City Councilman Dave Aiazzi could be seen on the video asking what would happen if WM did not comply with the timelines required by the Franchise Agreement. A conclusion was drawn that the contract would be terminated. Mr. McKinnon asked the Board to abstain from voting on the amendments to the agreement. He provided a web link to the video file to the Clerk.

Ms. Tammy Holt-Still agreed with Mr. McKinnon regarding his trash issue. She stated the Board should not pass the amendments because WM had not fulfilled their part of the agreement. She noted the rates increased immediately before the contract was even signed. She said this was not the right contract and they did not do what they said they would do. She stated WM made it harder for the rural areas and there were too many issues with the contract and the way it was written. She was upset that service level was reduced while prices were increased. She complained WM's truck drivers would not pick up trash that ended up on the ground on a windy day.

Mr. Allen Copeland stated he was a disabled veteran living in South Washoe County and his trash used to be picked up by the Carson City trash district. Since WM took over his trash had only been picked up three times. He said he had a small mountain of trash in his garage and WM claimed they could not pick up his trash because their trucks were too big and it was unsafe, even though he had made more room for the new trucks on his property. He said Carson City's trash service never had any issues picking up his trash and claimed WM ignored his calls, would not pick up his side yard trash and had a monopoly in the area.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Hartung asked Mr. McKinnon if his business was located within the City of Reno or in the County and if the Code Enforcement Officer was from the City or the County. Mr. McKinnon replied his business was located just south of the airport in Reno and he thought the Officer was from Reno. Commissioner Hartung asked if Mr. McKinnon's business served the unincorporated County. Mr. McKinnon responded he had a printing company and a tattoo business and most of the waste was recyclable. He said that was why he had chosen Green Solutions to manage his recycling service. He said WM had been taking photos of his dumpsters.

Commissioner Hartung wondered if there was an opt-out clause for recycling services. He stated Mr. Copeland should be able to use his previous provider due to the issues he encountered.

Ms. Thomas stated Mr. Copeland resided within the franchise area and there was an existing agreement that required him to have franchised service. She said legal counsel would have to determine if an opt-out was possible.

Commissioner Hartung asked Mr. Lipparelli if there was a way to assist residents opt-out. He said Mr. Copeland experienced the same issues that other citizens in the highlands of Spanish Springs encountered; WM needed a smaller vehicle to service specific areas. He said he understood WM had liability concerns related to property damage, but thought the outlying areas should have the option to opt-out if they were able to maintain health standards and have someone else pick up their garbage.

Commissioner Berkbigler stated it was important to point out that this franchise agreement only covered the unincorporated area of the County and businesses had not been included within the amendment. She indicated the County's franchise agreement was different than the Cities of Reno and Sparks regarding business services. She agreed the opportunity to opt-out was appropriate, but thought it might be even more appropriate to force WM to do its job. She said the time spent on the franchise agreement had been immense and she knew it was not perfect, but no franchise agreement was. WM had contracted with the County to pick up trash from all the residents and if drivers had problems accessing roads, that was not the County's problem. She said WM needed to get new drivers or a smaller truck. She was concerned about the service because numerous citizens had identical complaints. She cautioned the County needed to watch this issue carefully and ensure WM was doing its job.

Chair Lucey agreed with the Commissioners. He asked staff to work with WM to establish a requirement to obtain smaller trucks to accommodate some of the areas. He said at least 10 streets in his District, as well as many others, would benefit from having a smaller truck service them. He agreed there were many geographical challenges, but said the County needed to continue working on these issues. He indicated he would not have a problem supporting the amendments requested with this agenda item, but would ask for ongoing discussions to ensure promises made by WM were upheld.

Commissioner Hartung thought the Board needed to refrain from signing the contract until WM did what they were supposed to do by bringing the Ombudsman on board.

Mr. Lipparelli explained the franchise agreement had already been approved, signed and was in effect. He said the amendments were in response to three issues that had come to the attention of the Board after the agreement was approved in December. The effect of not signing the amendment would be the loss of the requested changes.

Chair Lucey agreed with Mr. Lipparelli. He stated the agenda item specifically addressed the amendment of the agreement for the specific changes listed in the staff report. Any further discussions could be brought back on a future agenda.

Commissioner Hartung asked if Mr. Lipparelli would send a letter to WM to inform them they were in breach of contract.

Mr. Lipparelli replied the item did not contemplate finding violations with the franchise agreement or authorizing the District Attorney to take action; however, County staff was authorized on behalf of the County to address breaches of contracts. Therefore the issue did not require discussion because the authority already existed.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman voting "no", it was ordered that Agenda Item 14 be approved.

17-0966 **AGENDA ITEM 15** Recommendation to approve the Resolution to Augment the Fiscal Year 2017-2018 Washoe County Parks Capital Projects Fund Budget in the amount of [\$4,951,779.00] to increase expenditure authority for various park projects; and direct the Comptroller's Office to make the appropriate budget amendments. Community Services. (All Commission Districts.)

County Manager John Slaughter stated this agenda item was tied in with Agenda Item 16 and asked for both of them to be opened together.

Assistant County Manager Dave Solaro said this item related to carry-over funding for budgeted projects from the previous fiscal year. He indicated part of the funding was for the completion of the Park Master Plan, so there budget adjustments from various park construction tax districts were consolidated into one item. He stated the major item related to the land acquisition associated with the Persigehl property, which was identified in the original 2000 Parks and Open Space Trail and Property Acquisition Bond. He stated this was the last property acquisition associated with that bond's funding. He said since 2000 Regional Parks staff was able to take \$28.3 million and leverage that with an additional \$18.6 million in grant funds to almost double the amount of money associated with the acquisitions. The last acquisition was one of the projects

identified in the original bond and it provided for open space adjacent to the trailhead in the Lone Tree Lane area. He said this provided a direct tie to Forestry Service properties. He noted Agenda Items 15 and 16 included the augmentation of budgets totaling \$4,951,779.00 and the purchase of 93.27 acres of undeveloped land. He stated Agenda Item 16 also provided him with the authority to sign the appropriate documents for the purchase of the property.

Commissioner Herman asked if the property had been appraised and if any 90-acre parcel was worth that amount of money. Mr. Solaro replied an appraisal was required in order for the County to purchase any land; the sale price reflected the appraised value.

Commissioner Jung asked if this item went before the Parks Commission. Mr. Solaro replied it had not gone before the Parks Commission because that was an advisory board. They had been involved as part of the process to identify projects for the bond and then it had gone to the Board of County Commissioners as an approved project for the bond.

Commissioner Jung asked if there was a hurry to purchase the property. Mr. Solaro stated staff was attempting to complete the process prior to the end of the fiscal year. He thought there could be tax implications for the seller if the transaction was completed before the end of the calendar year.

Commissioner Jung said she would support the item but in the future, she wanted the Parks Commission to be the filter and advocate. She thought these types of items should be heard by the Parks Commission before they were brought to the Board.

Commissioner Hartung stated the Board relied heavily on the advisory boards; he asked about the property's zoning. Mr. Solaro replied he believed it was zoned as general rural (GR) and would be left that way as it would only be utilized for open space. He stated they had a maintenance agreement with Angela Persigehl which allowed her to run her cattle on the land to maintain the weeds. A deed restriction would be placed on the property so it would remain as open space in perpetuity.

On the call for public comment, Ms. Cathy Brandhorst was called but was not present to speak.

Commissioner Hartung moved to approve Agenda Item 15, which was seconded by Commissioner Jung.

Mr. Lipparelli said because the motion included the sale, title and other legal items he would be more comfortable if the motioner recommended the motion as stated in the staff report.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 15 be approved and directed as outlined in the staff report. The Resolution for same is attached hereto and made a part of the minutes thereof.

17-0967 **AGENDA ITEM 16** Recommendation to authorize the purchase of 93.27-acres of undeveloped land (APN 222-080-08 (90.643 acres), APN 041-130-25 (2.5 acres) and APN 041-130-31 (.127 acres)) located adjacent to the Ballardini Trailhead in South Reno; approve a Real Property Purchase and Sale Agreement between Washoe County (buyer) and Angela S. Persigehl, Persigehl Family Survivors Trust and Julius A. Ballardini, Ballardini Family Trust (sellers) [acquisition cost \$3,052,750 and closing costs of approximately \$25,000 funded from WC-1 Parks, Trails and Open Space Bond of 2000]; and further authorize the Assistant County Manager [David M. Solaro] to act on behalf of Washoe County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds and restrictions, and to enter into all modifications or amendments to documents and agreements as provided in Section 7.11.D of the Purchase and Sale Agreement as may be necessary or appropriate to accomplish the acquisition; and authorize the Clerk to sign a Memorandum of Decision of the Boards action. Community Services. (Commission District 1.)

Pursuant to County Manager John Slaughter's request, Agenda Items 15 and 16 were opened and heard together. Refer to Agenda Item 15 for the discussion regarding this agenda item.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 16 be authorized and approved as outlined in the staff report.

17-0968 **AGENDA ITEM 17** Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park, and other matters properly related thereto; and if approved, schedule the public hearing, for the second reading and possible adoption of the Ordinance for December 12, 2017. Community Services. (Commission District 4.)

Nancy Parent, County Clerk, read the title for Bill No. 1791.

On the call for public comment, Ms. Cathy Brandhorst was called but was not present to speak.

Commissioner Hartung stated the agreement with Apple would ultimately provide a fire station in the East Truckee Canyon.

Bill No. 1791 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

12:21 p.m. The Board recessed.

1:16 p.m. The Board reconvened with Commissioner Jung absent.

17-0969 **AGENDA ITEM 18** Public hearing: Second reading and possible adoption of an ordinance amending Chapter 110 of the Washoe County Code (Development Code) within Article 808 (Administrative Permits), Section 110.808.40(b) to increase the maximum number of days allowed from acceptance of a complete application for an Administrative Permit to the required public hearing on the application from fifty (50) to sixty-five (65). Community Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Ordinance No. 1603, Bill No. 1787.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Jung absent, Chair Lucey ordered that Ordinance No. 1603, Bill No. 1787, be adopted, approved and published in accordance with NRS 244.100.

17-0970 **AGENDA ITEM 19** Public hearing: Second reading and possible action to adopt an ordinance pursuant to NRS 278.319 amending the Washoe County Code at Chapter 110 (Development Code), Article 804, Variances, to add Section 110.804.35, (Minor Deviations) to allow the Director of the Planning and Building Division to grant minor deviations of standards within Chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard; to establish an application process for minor deviations; and for other matters necessarily connected therewith and pertaining thereto Community Services. (All Commission Districts.)

1:21 p.m. Commissioner Jung returned to the meeting.

Nancy Parent, County Clerk, read the title for Ordinance No. 1604, Bill No. 1790.

On the call for public comment, Ms. Cathy Brandhorst was called but was not present to speak.

Commissioner Berkbigler moved to introduce Ordinance 1604; Commissioner Hartung seconded the motion.

Deputy District Attorney Paul Lipparelli reminded the Board this agenda item was for adoption not introduction and the motion would need to be revised.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, Chair Lucey ordered that Ordinance No. 1604, Bill No. 1790, be adopted, approved and published in accordance with NRS 244.100.

PUBLIC HEARINGS

17-0971 **AGENDA ITEM 20** Public hearing pursuant to NRS 453A.350(2) on a request from BioNeva Innovations of Washoe County, LLC (“BioNeva”) to move a marijuana production facility from the location issued with a State of Nevada provisional medical marijuana certificate at 200 Hawco Court, Sparks, NV (APN 538-161-08) to 85 Isidor Court, Sparks, NV (APN 530-470-11); and if approved, direct staff to notify the State of Nevada in writing of the Board of County Commissioner’s approval of the relocation request. Manager. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of this agenda item.

On the call for public comment, Ms. Cathy Brandhorst was called but was not present to speak.

County Manager John Slaughter stated this agenda item was for the production portion of a marijuana facility that was not included in a previous Board action due to an error by the County.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 20 be approved and directed.

17-0972 **AGENDA ITEM 21** Recommendation for the Board to conduct interviews of top Alternate Public Defender candidates: Richard Molezzo, Eric Nickel, Marc Picker and Jay Slocum; make a final selection; and authorize the County Manager to negotiate salary and start date. Manager. (All Commission Districts.)

County Manager John Slaughter stated representatives from Human Resources were present. He noted he and Chair Lucey had discussed the interview process.

County Clerk Nancy Parent provided the proposed interview questions to the Board.

Chair Lucey and Mr. Slaughter reviewed the process with the Commissioners. Each candidate would arrive in Chambers one at a time and remain only while being interviewed. The other candidates would be sequestered outside Chambers until called. Each candidate would be allowed a five minute introduction session to talk about themselves, their experiences and skill levels. Each Commissioner would have the opportunity to ask a question and the candidate would have three minutes to respond to each one. The Commissioners would be required to ask the same question of each candidate. After the interviews were completed, the candidates would be allowed to reenter Chambers to hear the Board's discussion and witness the selection process. Each Commissioner would select and rank the candidates to determine their first and second choice, after which the Board selections would be tallied.

Deputy District Attorney Paul Lipparelli stated the Board had the ultimate authority and job to select the next Alternate Public Defender, so Commissioners could use discretion. The guidelines for hiring included a consistent and cohesive examination of the candidates. Some candidate answers could naturally lead to follow-up questions and the Commissioners should feel free to ask them. Although Commissioners were allowed to ask questions, they were instructed not to deviate from the process to avoid uncertainty or the potential for criticism.

Each Commissioner selected a question from a list of pre-selected questions. Commissioner Hartung chose to ask a question that was not on the list. Human Resources Analyst Julie Paholke indicated Commissioner Hartung's question was appropriate.

Chair Lucey welcomed Mr. Richard Molezzo and explained the interview process.

Mr. Richard Anthony Molezzo said he was 56 years old and had lived in Reno for 49 years. He stated the key to this position was Administration. He indicated there were three C's to be embraced in this position: commitment, compromise, and compassion. The management of business and people was the key to the position. He compared the job to that of a small firm because there were 10 attorneys and six support staff in the office. He started his career with Washoe County and worked for Public Defender Michael Specchio. He noted that after eight years he went to work for Brian Sandoval at the Attorney General's Office. He was there for more than two years prosecuting inmate as well as prison guard conduct and had learned both sides of coin during his career. He said his niche was criminal defense, as he had spent the past 21 years in that field, and more than 10 years of that time in private practice. He said private

practice had many moving parts that kept him on his toes and noted he was doing quite well in his firm. He said the most effective thing a leader could offer was communication and that was what he would provide to this position. He said listening started from the bottom to the top. He explained the importance of listening and said if he was offered this position, the bottom would take priority over the top. He indicated he would decline any bonuses, would not request any stipends and would not attend seminars in other states. He felt his personality would be effective in pursuing the objectives of the firm. He said the department dealt with defending indigent accused individuals which was a vital service and needed to be embraced. He had worked with indigent people since his career began in 1998. He said as attorneys, he and his colleagues all had heightened education, but what set him apart was his communication skills; he would lead from the front of the pack. The support staff would be taken care of first and the attorneys, second. He said attorneys knew their craft and knew how to pursue that which they wanted to achieve, in this case the rights and privileges of an indigent accused person. He believed he possessed situational awareness and could determine whether or not a case was winnable or if the focus would be on the pursuit of protecting the rights of the accused as best he could. In reference to Rule 250, the death penalty qualification, he said brilliance was not required. He noted there had not been a death penalty case locally for seven years. If such a case made it through private counsel, the Public Defender and the Alternate Public Defender, all that would be required was one staff attorney who was death penalty qualified and he ensured the Board he would have that. In reference to Rule 250 (2e) he stated a lawyer could petition the court to be fully vetted and if approved, the lawyer would be available to conduct a death penalty defense. He said he met the criteria to conduct that type of defense. He concluded what was needed for the position was communication, respect and compassion. He stated that was what he would bring to the position.

Commissioner Jung asked, “This job requires you carry a full caseload and manage the office. How would you ensure you are maintaining efficacy in both areas?”

Mr. Molezzo said with effort. He did not think it needed to be a bigger verb than that. He would be passionate and would be there more than 40 hours per week. He said it was a small town, he grew up locally and he would lead from the front. He would be receptive to the junior lawyers handling the heavy cases. He said he understood administration, balancing a budget, and that trust with his coworkers was paramount. He said he would put in the time.

Commissioner Berkbigler asked, “What are the challenges facing indigent defense in Nevada and do you have any specific thoughts as to Washoe County and the challenges facing us?”

Mr. Molezzo said the challenge of indigent defense in Nevada was the lack of compassion. He thought there should be more attorneys although budget constraints made that impossible. The biggest challenge was the time it took to work the case through as an attorney. He expressed disappointment in the lack of information in

arrest reports, which made it difficult to defend a person's civil rights. He said many times the defense attorneys needed to seek evidence from the prosecution.

Commissioner Hartung asked, "Without comparing yourself directly with any other candidate, what special qualifications or experience do you possess that would make us choose you over the other applicants?"

Mr. Molezzo said he had the ability to make a solid first impression, the ability to engage with a full spectrum of individuals and have meaningful discussions. He said he was born with a certain amount of charisma that he could use to his benefit. He respected the other candidates and thought they were marvelous attorneys. He said he brought the ability to communicate in simple language and had a way of getting to the truth of a story when he dealt with people who were accused of crimes.

Commissioner Herman asked, "Tell us about a very challenging situation or case from your career, perhaps something that had a high degree of visibility and controversy. How did you handle it and what did you learn from the experience?"

Mr. Molezzo said the heaviest case he had in his career was as first chair in a murder case. In this case, his client was a white supremacist male from out of state with Ku Klux Klan and Nazi tattoos. He was shown on video killing an African American man. He stated the case was challenging to him and it was difficult at times for him to defend the case. He stated the most challenging dynamic of the case was the negative white supremacist Neo Nazi client Gregory "Shane" Poole that he had to defend. He noted the video of the attack was clear and considering the evidence he thought he could work out a deal of six to seven years in prison. The client was opposed to the deal. He walked the area in tattered clothing along with an investigator to view the area of the scene and to gather information that could benefit his client. He said they won the case, but he did not feel good about it. He stated attorneys should feel good about a win and he did a lot of work on the case, but he felt terrible about the outcome. His client was released from prison after six months as opposed to six years.

Chair Lucey asked, "Whom would you identify as stakeholders in Washoe County's criminal justice system, and how would you work to develop a collaborative relationship with said stakeholders?"

Mr. Molezzo said the stakeholders in the criminal justice system were the citizens who lived in the area. He noted the collaborative efforts he would attempt to pursue as a defense lawyer or as the lead of the defense department was to show the human side of the accused. He said people were surprised that 95 percent of the accused were good people at their core. He would try to relay to the citizens that the accused were good people but may not have had the opportunities that others were given. He said if he had a high profile case he would reach out to the *Reno Gazette-Journal* and share information with them. His thought was to bridge the gap and let the citizens know this was vital and a cornerstone. He would communicate and voice his opinion that a person needed to be defended.

Chair Lucey thanked Mr. Molezzo and asked him to step out of the room for the next candidate interview. He asked staff for Eric Nickel to be brought in for his interview.

Chair Lucey welcomed Mr. Eric Nickel and explained the interview process.

Mr. Nickel thanked the Board for its time and said it was an honor to be considered for this position. He began by saying he had always been a big fan of the Alternate Public Defender's Office. He thought it was easy to take the office for granted, but before the office was created these cases would go before a panel of attorneys. Some of the attorneys were conscientious and worked hard, but unfortunately others did not. He had practiced both as a prosecutor and defense lawyer under that system and saw that unfortunately some of the attorneys were not prepared or did not show up which resulted in many continuances. It was inconvenient for all involved including law enforcement, witnesses, crime victims and attorneys. The Alternate Public Defender was one of the best improvements to the administration of justice that the County had made in recent memory. He thought the credit should go to the current Alternate Public Defender Jennifer Lunt who started the department. He stated it was a well-functioning office. He said if he was appointed to the position he would continue to build upon the foundation that Ms. Lunt created to efficiently provide the best indigent defense possible using the limited resources available. He said the Alternate Public Defender was a position with big shoes to fill and he thought he was a good candidate. He stated the position was unique because it required a skilled lawyer but also a skilled manager. He said the attraction to the position was he could still be a trial lawyer but thought he was ready for more responsibility. He said his skills as a lawyer included 23 years of practice; 40 jury trials including his time as a law clerk at the United States Attorney's Office in Portland, Oregon while he attended law school; Deputy District Attorney in the Nevada Attorney General's Office; 10 years as prosecutor; and over 13 years as defense lawyer. He had a well-earned reputation of being professional and prepared, and treated everyone he met with respect and courtesy. He said he was known as a creative problem solver. He believed he possessed good managerial skills and stated his best asset was his personality. He said he was an even-keeled person and looked for collaborative ways to solve problems. In his opinion, one of the best things a manager could do was to realize that not everyone was same. A good manager took notice of the strengths and weaknesses of individuals, and understood the same things did not always motivate everyone. For example one of the investigators he supervised was professional and confident and could be counted on to get something done, while another one had a fragile ego and go get something accomplished he had to stoke that investigators ego. He believed if people worked hard and were fortunate they might find themselves at the intersection of preparation and opportunity. He thought that was where he was in his career and said his varied experience had prepared him for this job. He stated his children were older and mostly self-sufficient and he had the time and energy to devote to the challenges of being the next Alternate Public Defender. He said if the Commissioners appointed him to the position, he would make them proud.

Commissioner Jung asked, “This job requires you carry a full caseload and manage the office. How would you ensure you are maintaining efficacy in both areas?”

Mr. Nickel said that was one of the attractions for him because he liked being a lawyer but he was ready the responsibility of a managerial position. He noted initially he would take as many cases as he was comfortable with, without overloading himself. He thought learning the management aspect would be the biggest challenge of the job. He said he had been a trial lawyer for more than 23 years and could step in seamlessly but he had not managed this number of people before. He thought he would maintain efficacy by keeping the caseload small without overburdening the other attorneys in the office. As he learned more about the managerial position, he could increase his caseload.

Commissioner Berkbigler asked, “What are the challenges that you see facing the indigent defense in Nevada and do you have any thoughts or issues that are specific to Washoe County?”

Mr. Nickel thought the challenge was funding. He said the County was fortunate that indigent defense was funded well, but it would always be a challenge especially when it came to experts. Death penalty cases were complicated trials that required mental health and litigation experts. The biggest challenge would be doing the best possible job while allocating resources efficiently. The second biggest problem was ensuring the attorneys were qualified and everyone had the skills and resources necessary to do their jobs effectively.

Commissioner Hartung asked, “Without comparing yourself directly with any other candidates, what special qualifications or experience do you possess that would make us choose you over the other applicants. Why should we pick you?”

Mr. Nickel stated he should be picked because, of all the candidates, he thought he had the most varied experience. He said he was the only candidate who had been a prosecutor with more than 10 years of experience; he thought that provided a unique perspective for evaluating cases. Many times in his current position he preferred to think like a defense lawyer because he had that experience and he could determine how a defense attorney would strategize. He said he used the same approach when he was defending a case because he knew the strategy a prosecutor would use. He stated his commitment to public service was stellar. He enlisted in the Army when he was 20 years old and, except for a short time in a private practice, he had been a public servant for most of his career. As a student at the University of Nevada, Reno (UNR) he worked at the Sierra Nevada Job Corps and then went on to work at the Washoe County Juvenile Detention Center. He said he was a consensus builder and tried to solve problems collaboratively whenever possible.

Commissioner Herman asked, “Tell us about very challenging situation or case from your career, perhaps something that had a high degree of visibility and controversy. How did you handle it and what did you learn from the experience?”

Mr. Nickel spoke about a case at the Attorney General’s Office with his co-counsel Ms. Ronda Clifton. He indicated it was her case and he was helping her out quite a bit. He laughed and said the defendant was a Washoe County Commissioner at one point. He said the case was in Virginia City and the extremely high profile defendant and member of the community was charged with a felony. He indicated they knew it would be a difficult case going in, but felt he needed to be held accountable. It was a conflict for the Local District Attorney to try the case. Although the case did not receive much press in Reno, it did in Virginia City. His superiors were watching because the defendant was a high profile person and they wanted to ensure counsel did everything right. The defense attorney was extremely zealous. He said preliminary hearings generally took less than an hour to complete; the preliminary hearings for complex murder cases could take half a day, but in this case the hearing took six days. The case presented one challenge after another. He and Ms. Clifton tried to keep each other on an even keel and although he thought they did a good job on the case, the case did not turn out as they had hoped.

Chair Lucey asked, “Whom would you identify as the stakeholders in Washoe County criminal justice system and how would you work to develop a collaborative relationship with said stakeholders?”

Mr. Nickel thought the stakeholders included law enforcement, the District Attorney Office, Judges, Court Services, victim advocates and the taxpayers. The taxpayers wanted to see the County do the most efficient job they could with the available resources. They also wanted the County to protect the rights of indigent people and to keep the community safe. He said he was the sort of person who got along with everyone and treated people with respect and courtesy, whether or not he liked them. He said when he was a defense attorney he always got along with prosecutors and law enforcement personnel. He was respected among the Judges and he had good relationships with Court Services and Specialty Courts. He did not think collaborative relationships would present a problem.

Chair Lucey thanked Mr. Nickel and asked him to step out of the room for the next candidate. He asked staff for Marc Picker to be brought in.

Chair Lucey welcomed Mr. Marc Picker and explained the interview process.

Mr. Picker stated he went to law school after serving as a newspaper reporter and editor in Reno, Ely, Texas, and Chico, California. He said after being an observer of the criminal justice system for eight years, he decided he wanted to become a part of system. He noted he practiced law for 29 years, 25 of which were in private practice involving criminal defense, juveniles accused in delinquency matters, juveniles

with more serious matters being tried as adults, civil rights litigation, personal injury, business formation litigation and family law, including adoptions. He personally represented more than 150 clients in appellate and post-conviction habeas matters. He argued cases before the Nevada Supreme Court, the Ninth Circuit of Appeals and he was admitted to practice for the United States Supreme Court. He was registered as a lobbyist with the Nevada Legislature representing the Nevada Court Reporters Association. He said for the past four and a half years he had worked at the Alternate Public Defender's Office. He said he was hired initially to personally represent parents whose children had been removed from their homes under Nevada Revised Statute Chapter 432B. He noted that within two weeks of starting at the Alternate Public Defender's Office, he was representing more than 100 parents whose children had been removed and who were working with social services to have their children returned. He had made more than 300 court appearances on behalf of those parents before Alternate Public Defender Jennifer Lunt asked him to move to criminal defense due to his extensive experience in that area. He represented defendants charged with everything from misdemeanors offenses to murder. During the prior two and a half years as Chief Deputy Alternate Public Defender, he supervised the criminal division and the Specialty Court attorneys, set weekly calendars for all attorney staff, and coordinated trial assignments. He had been involved in the budget planning process for the Alternate Public Defender's Office and the succession planning. He said when Ms. Lunt was unavailable he attended numerous meetings on behalf of the office including Department Head meetings and a Board of County Commissioner's retreat. He served as Acting Alternate Public Defender when Ms. Lunt was on vacation. He worked in collaboration with the Specialty Court staff and Public Defenders Office when the Alternate Public Defender was asked to take over representation of Specialty Court clients in the County. He was able to successfully plan and carry out efficient ways to take on more than 1,200 new cases. Working collaboratively with court staff and the Public Defender's Office, he was able to determine how to transition representation and how best to utilize existing personnel to handle the new clients. He had appeared on behalf of clients in almost every one of the Specialty Courts in the County and helped to draft the rules and procedures for the new Sparks Recovery Court and Reno Justice's driving under the influence (DUI) Court. He stated in the small Alternate Public Defender department, cross training was imperative so every attorney could provide effective and quality representation to their clients. He said each staff member covered for the others so it was seamless when someone needed to step in for a case. He was the lead attorney on more than 30 jury trials and was death penalty qualified in 1996. He had been lead counsel on more than 30 murder cases since then; the most recent were two death penalty cases that concluded in 2013. Along with Ms. Lunt, he was the attorney in the office with the most trial experience and the most experience with cases regarding serious criminal matters. He said 10 years ago, Ms. Lunt was appointed as Alternate Public Defender and was asked to create a new office to represent an unrepresented and vulnerable population; since then Ms. Lunt had brought together a staff that gained the respect of the courts and legal community. The office had not had any turnovers in two years despite the challenges of taking on more than 1,200 new cases. He was humbled by the list of people on his reference list and by the number of those who provided letters of support. He had widespread support from the community and from attorneys, including attorneys he opposed over the years. He was asked why he

wanted this job; he said it was due to his parents' firm belief in social justice. They taught him from the beginning to stand up for those who could not stand up for themselves. When Ms. Lunt announced her retirement, the staff asked him to step up and apply for the position. He said staff loyalty had been amazing; they wanted him to be the leader. He wanted to build 10 years of success as well as the respect the courts and legal community had for the Alternate Public Defender's Office. He expressed his desire to be the next Alternate Public Defender.

Commissioner Jung asked, "This job requires you carry a full caseload and manage the office. How would you ensure you are maintaining efficacy in both areas?"

Mr. Picker stated the key was communication. He noted the department had weekly meetings with the entire staff and talked about the challenges in the office. He met with all attorneys to discuss the calendar for the next week and the trial calendars for the next six months. That was the best way they could apportion the limited resources to represent the people who needed it. He said they discussed problem cases and upcoming meetings to ensure attendance, and decided which staff members could cover needed meetings. He explained that was the reason they cross-trained staff, to most effectively use the resources they had. He said as the Alternate Public Defender he would be the main supervisor, but he would not "be" the office; the office included 10 attorneys and seven support staff. He expressed the importance of the entire department being on the same page at all times. Since he became Chief Deputy Alternate Public Defender, he worked with staff on resolutions and staff in the office felt comfortable speaking to him about any issue. He said during the 25 years he was in private practice, he had run a small business, owned property, was the head of Human Resources, hired and terminated people and was obligated to recruit new clients, represent them and collect money from them. He understood a full caseload was not all the Alternate Public Defender was responsible for; he had been successful maintaining his workload on top of all of his other obligations for the past 29 years.

Commissioner Berkbigler asked, "What are the challenges that you see facing indigent defense in Nevada and do you have any thoughts or issues that are specific to Washoe County?"

Mr. Picker said he foresaw an issue with providing representation for the growing number of various sized cases with limited resources. He said two years ago the Alternate Public Defender's Office took on the responsibility of the Specialty Courts. Previously, public defenders had only done crime defense which was currently only a small portion of the work they did. He noted 66 percent of their clients were not criminal defendants, but people who were in Specialty Court; these people were struggling to survive and to recover their lives. He noted the attorneys had to also be counselors at law because there were limited resources. In Washoe County there was an extreme shortage of transitional living facilities, treatment facilities and agencies to help those people recover. Finding further resources to fund assistance and to make all of the pieces come together was going to be the biggest challenge over the next five years. He said a portion

of the population was vulnerable and underserved by the resources available to them; people needed to think outside the box.

He said staff in his office determined they had to move their resources around to devote the time and effort required to represent people in court and to also communicate with them on the phone. When people called to say they had lost their housing, staff had to find a way to counsel them and to look for resources. Even though they worked with the courts on procedural changes to the case assignment process, the deputies were still in court in the morning four to five days per week which limited their ability to provide needed resources. He said it was difficult and some rearranging was needed, but he thought they could do it.

Commissioner Hartung asked, “Without comparing yourself directly to the other candidates, what special qualifications or experience do you possess that would make us choose you over the other applicants? Why should we pick you?”

Mr. Picker replied there was breadth and depth in his 29 years of experience. More than just involvement in a few family cases or the referring of people to family court attorneys, he had been in family court and had addressed hysterical and desperate people who had lost their children and did not know how to get them back. He had been in Specialty Court with people who were in desperate need of assistance and recourses and had represented those people one on one. He had done criminal defense cases such as misdemeanors and worker’s compensation cases to a case where he represented a trucker with a speeding ticket who stood to lose his livelihood if he lost his commercial license. He said he was able to relate to people. He had done death penalty work in the United States Supreme Court and he felt there was no greater service to the County and the Constitution than to represent someone whom society wanted to kill; his job was to protect the rights of every client. He taught constitutional law to elementary, middle and high school students. He explained to his students that without responsibility there were no rights; without rights, there was not responsibility and if someone did not protect his rights, he could not be expected to protect theirs. He stated he was the best candidate because he met the criteria for the position and had a vast amount of experience.

Commissioner Herman asked “Tell us about very challenging situation or case from your career, perhaps something that had a high degree of visibility and controversy. How did you handle it and what did you learn from the experience?”

Mr. Picker said two examples stood out in his mind. He first spoke about when he was on a federal appointment panel and was appointed to represent a man named Avrom Finkel. Mr. Finkel was accused of helping another man put together a mail bomb that was sent to a Nevada Highway Patrol Trooper in Douglas County. The trooper lost part of his face, an eye and an arm during the explosion. It was an extremely high profile case and every day the courtroom was filled with law enforcement officers. He said everyone wanted his client to plead guilty and not challenge the case, but no deal was offered so the only option was for it to go to trial. For three weeks he and his client sat against four government attorneys with 20 law enforcement officers watching from

the back of the room. From this experience he learned to stand up for people who could not stand up for themselves. He said even the most guilty person had a right to have their constitutional rights protected; his job was to protect his client's rights. If his client was found guilty, the State or the Government had done their job by proving so beyond a reasonable doubt as determined by an unbiased jury. Next he spoke about another case that involved a young man who was accused of killing his two year old stepson and the stepson's grandmother. It was a nasty case, there was no question the young man committed the murders and he was facing the death penalty. He spent time with the young man and his client's family; he delved into the young man's past to discover what happened and how he had gotten to that point. This case taught him to look beyond the simple facts and beyond people's faces to examine the factors that led them to the worst day of their lives. As a result of his efforts the death penalty was taken off the table. His client pleaded guilty and was serving life in prison. He said the young man did not want his parent's to endure his being sentenced to death.

Chair Lucey asked, "Whom would you identify as stakeholders within the Washoe County criminal justice system and how would you work to develop a collaborative relationship with said stakeholders?"

Mr. Picker said the list was very long. The list included the courts, court staff, the District Attorney's Office, the Public Defender's Office, the Alternate Public Defender's Office, private counsel, the tertiary appointment group, counselors, social workers, the clients, and the Sheriff's Office. He said he would continue to work with the stakeholders collaboratively. He stated the transition of the Specialty Courts required a series of conversations to discuss goals and ways to achieve them. He said not everyone agreed on a solution, therefore one-on-one discussions occurred to create a mutual agreement. He indicated the art of negotiation was not reaching the point where everyone was happy, but reaching a point where everyone could live with the decisions. He said it was important to work within the limited resources available. He took his staff to Northern Nevada Hopes to tour the facility to determine what they could offer clients and he took staff to the detention facility to discuss medical treatment with the jail's medical staff. He stated the art of collaboration was about communication and listening.

Chair Lucey thanked Mr. Picker and asked him to step out of the room for the next candidate.

Chair Lucey welcomed Jay Slocum and explained the interview process.

Mr. Slocum stated he was honored to be before the Board as a finalist for the Alternate Public Defender position. He noted all the candidates were strong but he had a few qualities that set him apart and made him the ideal candidate. He said he was a career public servant. He spent the first nine years of his career as a military officer, a personnel officer, a logistic officer, and ultimately as a company Commander. He was deployed in support of Operation Enduring Freedom and when he left the Army, he went to law school and his intention was to find a way to serve publicly again. When he graduated from law school he was hired by the Washoe County Public Defender's Office.

He spent the past 11 years at the Public Defender's Office and developing his legal skills. He became Rule 250 qualified to serve as primary counsel for death penalty cases and he was on the Category A Team, which meant he could handle cases that had the potential for life sentences. He said in addition to developing his legal skills, he developed and mentored law students and social work interns. He stated the first thing he wanted to implement at the Alternate Public Defender's Office was to bring in social work interns. He stated students of social work at UNR could come to the Alternate Public Defender's Office and perform psychosocial evaluations on clients. The students could then review the backgrounds of the clients, meet them to determine what their underlying issues were and detail that information for the attorneys. The attorneys could then use that information to advocate for their clients in and out of court and help their clients with the underlying issues that brought them into the criminal justice system. He wanted to make a change to the conflict of interest policy. In 2007, when the Alternate Public Defender was established, the office handled approximately 1,830 conflict of interest cases. A process occurred where the conflict of interest policy was altered. Consequently this was an advantage to everyone and in particular to the Alternate Public Defender's Office because they did not have to send as many cases to the tertiary group. He and Public Defender Jeremy Bosler had a long-standing relationship and he wanted to see the Public Defender's Office and the Alternate Public Defender's Office work together.

Commissioner Jung asked, "This job as you know requires you carry a full caseload and manage the office. How would you ensure you are maintaining efficacy in both areas?"

Mr. Slocum said it was worth noting that during the 2016 calendar year, ten Category A (Cat A) cases were sent to the Alternate Public Defender's Office. He stated that was less than his current caseload as a member of the Cat A Team. He said he had the experience of managing an extensive workload prior to being on the Cat A team, and currently managed a caseload that exceeded the total number of Cat A cases that were handled by the Alternate Public Defender's Office in the past year. He noted he was not concerned about managing the caseload as well as the administrative responsibilities; when he was in the military he had to handle multiple duties at the same time. When he was the Company Commander, he was tasked with civilian responses, which meant he had to meet with the community and deal with a multitude of issues. He had to maintain a budget while maintaining relationships with the military installation. He felt comfortable being able to navigate the responsibilities as a department head and handling a caseload.

Commissioner Berkbigler asked, "What are the challenges facing indigent defense in Nevada and do you have any thoughts about issues that are specific to Washoe County as it relates to indigent defense?"

Mr. Slocum replied it was a challenge to keep clients from committing repeat offenses. He said when he started as a Public Defender he was amazed how many repeat offenders there were. He said the County was not doing enough to prevent clients from coming back through the system. He thought improvements were being made by developing the Specialty Courts because clients with controlled substance addictions who

committed crimes were getting help from the courts. He stated progress was being made, but resources for clients were limited and the allocation of assistance would have to be determined. He said it would be his task to convince the people with the resources the value of teaching people not to be repeat offenders. When a person went to prison they were not given the tools or training to survive on the outside, so when they were released they ended up right back in trouble. He explained those people might never commit murder but they continued committing crimes because they did not get the help and resources they needed to change their behavior.

Commissioner Hartung asked, “Without comparing yourself directly to any of the other candidates, what special qualifications or experience do you possess that would make us choose you over the other applicants? Why should we choose you?”

Mr. Slocum stated it was interesting because when he was leaving home his wife told him he had to sell himself. He said it was a challenge for him to sell himself because he believed doing the right thing was what helped a person obtain what they were attempting to achieve. He believed it was important for the Commissioners to understand he was comfortable being the face of the organization. He was the face of the organization when he was the Company Commander and had to manage issues with families, responsible entities and institutions. He stated he was comfortable being the face of the Washoe County Public Attorney’s Association, as he was the President of the Association. He represented a group of District Attorney’s, Public Defenders and Alternate Public Defenders. He said he was cognizant of being a public face to the positions he represented.

Commissioner Herman asked, “Tell us about very challenging situation or case from your career, perhaps something that had a high degree of visibility and controversy. How handle it and what did you learn from the experience?”

Mr. Slocum stated he had multiple challenging cases in his career; however, the most high profile case was the James Biela case. He noted that was his first death penalty case and his client was potentially going to be sentenced to death. He said there were questions about whether a jury could be selected locally due to the extensive publicity of the murder case. He explained it was eye-opening experience and he learned how significant it was when the State was seeking death for his client. The level of preparation necessary for a case of this caliber was immense and could determine the difference between the defendant receiving the death penalty or not. The research for the case was vital because 10 months had lapsed before Mr. Biela was arrested for committing the high profile murder.

Chair Lucey asked, “Whom would you identify as the stakeholders in Washoe County’s criminal justice system and how would you work to develop a collaborative relationship with said stakeholders?”

Mr. Slocum stated because he had been at the Public Defender’s Office for 11 years, he had the opportunity to practice with District Attorney Chris Hicks and he had

always had good relationship with Mr. Hicks. He thought Mr. Hicks was an important stakeholder in Washoe County. He stated Public Defender Jeremy Bosler was an important stakeholder in the criminal justice system. He said he and Mr. Bosler had a good relationship and he was the person who hired him in the Public Defender's Office. When the Cat A Team was created, Mr. Bosler asked Mr. Slocum to be on the team based on his experience and skills. Additionally, he saw the judges as stakeholders and thought one of the tasks was to educate judges about why sending someone to prison was not always the best course. He stated he had a good relationship with all of the judges because of his 11 years working in the Public Defender Office. He did not have concerns regarding collaborative relationships with any of the stakeholders.

Chair Lucey stated the interviews and questions were complete and the Board would take a brief recess to allow the applicants to return to the chambers and conclude the process.

2:51 p.m. The Board recessed.

2:58 p.m. The Board reconvened with all members present.

Chair Lucey stated the Board had conducted the four individual interviews for the Alternate Public Defender's position and would open the floor for public comment.

On the call for public comment, Ms. Natalie Choi stated she was a Family Court Investigator with the Public Defender's Office. Said she was fortunate to work with Jay Slocum for 11 years. She was impressed how he stood out over the years and had not lost his enthusiasm for training basic topics. She appreciated his defense style and asked him for help with some of her cases because she recognized she could rely on him. Mr. Slocum was dedicated to field of public defense, an effective advocate for social justice and she believed he was an excellent candidate for Alternate Public Defender.

Ms. Jennifer Lunt stated she was currently the Alternate Public Defender. She said she had enjoyed the position of Alternate Public Defender for the past 10 years and she noted it would be easier to walk away if she knew that Marc Picker was her replacement. She noted in the Alternate Public Defender Office it was crucial to be cross-trained so anyone could pick up a file and be an effective advocate for that client. The only person who was able to accomplish that currently was Mr. Picker because he was the one with the breadth and depth of experience to handle that type of work. Mr. Picker had been the Chief in the office for the past two years. She supported Mr. Picker for the Alternate Public Defender position and stated the staff also supported him for the job.

Ms. Stephanie Rice spoke in support of Marc Picker. She said the first time she met Mr. Picker they were opposed in court. She stated Mr. Picker was nothing but an exemplary professional and they had collaborated on cases since then. She noted she had hired him to represent her in personal legal matters, which proved her confidence

in him. She stated she supported Mr. Picker because of his experience and his ability to perform the duties required.

Ms. Tehan Slocum said she was the wife of Jay Slocum. She explained she was one of the founding members of the Alternate Public Defender's Office. She knew the experience needed to fill the position and said her husband possessed the skills and experience to do the job. He had the vision and ability to step in and work with the Alternate Public Defender staff.

Rabbi Myra Soifer stated she was from the Meredith Temple Sinai. She spoke in support of Marc Picker because he was an exceptional leader, smart and he cared about the law. She said Mr. Picker cared about issues and people and often helped nonprofit organizations by representing them pro bono. She stated Mr. Picker was truly a mensch, which translated to mean a person of the highest ethical standards.

Ms. Maryanne Aaronson stated she worked for the Washoe County Human Services Agency (HSA). She spoke in support of Marc Picker and shared she had known him for 54 years. Her support for Mr. Picker came from his passion, experience, impartial manner and the value of social justice he possessed. She noted the staff in the HSA supported him because of his compassion and deep understanding of the effect they had on the people who were served by the Alternate Public Defender's Office.

Chair Lucey stated each Commissioner would indicate their top two candidates and the votes would be tallied.

Chair Lucey thanked all of the candidates for their time, candid discussion, and willingness to participate in a setting such as this. He stated each candidate had the understanding and capacity to perform the job of the Alternate Public Defender. He stated based on the discussions and questions, he said his top choice was Marc Picker and second choice was Jay Slocum.

Commissioner Berkbigler stated this was tougher than she expected it to be because the spread of points between the candidates were miniscule. She noted her top choice was Eric Nickel and second choice was Richard Molezzo.

Commissioner Hartung stated all of the applicants were great. His top choice was Marc Picker and second choice was Jay Slocum.

Commissioner Herman stated it was a tough decision but said she also picked Marc Picker as her top choice and Jay Slocum as her second choice.

Commissioner Jung agreed with the other Commissioners about a difficult decision and she thanked each of the candidates. Her top choice was Marc Picker and her second choice was Eric Nickel.

Chair Lucey stated it was clearly defined that Marc Picker was the top choice and Jay Slocum was the second choice.

Commissioner Hartung wanted language to be added to the motion to state if negotiations with the top two choices failed; the item would be brought back to the Board for direction. Commissioner Berkbigler agreed with the addition.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered to offer the position of Alternate Public Defender to Mr. Marc Picker and authorize the County Manager to negotiate salary and start date; and designate Mr. Jay Slocum as the second choice for Alternate Public Defender if the terms of the first job offer could not be agreed upon. In the event negotiations failed for the top and second choices, the item would be brought back to the Board for direction.

Mr. Picker thanked the Board for its time and thanked his wife for her support.

3:25 p.m. The Board recessed.

3:32 p.m. The Board reconvened with all members present.

17-0973 **AGENDA ITEM 22** Hearing and discussion to affirm, modify or reverse the Board of Adjustment's partial approval of Special Use Permit Case Number WSUP17-0014 (Gail Willey). This request is for the business operation of Gail Willey Landscaping and Colorock, which the applicant has described as a wholesale nursery facility with incidental retail sales. Staff has classified the proposed operation under the following uses: Wholesaling, Storage and Distribution - Heavy; Construction Sales and Services; and Wholesale Nursery. If approved as submitted by the applicant, the permit would generally include (1) the sale, storage, and disposal of trees, flowers, plants, and associated landscaping materials, (2) the sale, storage, and disposal of various types of rock, (3) the use of a variety of storage and office facilities on site, (4) parking for customers and employees, and (5) the use of a variety of trucks and other vehicles, machinery, and equipment associated with the operation. A separate special use permit (not yet submitted) would be necessary to facilitate proposed access to the operation, which would include construction of a vehicle bridge across Steamboat Creek, a Significant Hydrologic Resource. The Board of Adjustment's partial approval allows for the uses staff believes qualify under the wholesale nursery portion of the request, including sale of plants, trees and flowers. The partial approval does not, however, allow the uses staff believes qualify as the Construction Sales and Services use type - a commercial use not allowed in the General Rural (GR) regulatory zone - nor the Colorock operations (Wholesaling, Storage and Distribution - Heavy use type) - an industrial use not allowed in the

GR regulatory zone. In this appeal, the applicant asserts that all proposed uses qualify as a wholesale nursery with incidental retail sales and should therefore be allowed on the subject property in the GR regulatory zone with an appropriate special use permit. The site is located at 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395 and within Section 5, T17N, R20E, MDM, Washoe County, NV. The parcel (APN: 017-430-01) is ±35.9-acres in size and within the boundaries of the South Valleys Area Plan. The Master Plan category is Rural, and the regulatory zone is General Rural. The property owner is Willey Land, LLC, and the appellant is Gail Willey Landscaping. Community Services. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against Board of Adjustment's approval.

Chair Lucey stated this was a quasi-judicial hearing that the Board was about to embark upon. He said the Commissioners would be tasked with making a judgement after arguments and statements from the appellant and public comments.

Chair Lucey disclosed that he met with the applicant and members of the community and had interactions regarding the said property. He stated he received a number of emails regarding the issue from the applicant, the applicant's staff, and community members. He noted he had visited both properties.

Commissioner Berkbigler disclosed that she had met with the applicants' representatives and had visited the locations. She also stated she exchanged emails and had phone conversations with people who were opposed to the Gail Willey relocation.

Commissioner Jung disclosed that she met with the applicants' representatives and some of the neighbors. She had asked Senior Planner Kelly Mullin, County Manager John Slaughter, and Planning Manager Trevor Lloyd to take her and Commissioner Berkbigler on a tour of both locations.

Commissioner Hartung stated he had driven by the sites but had intentionally not been involved with the issue. He indicated he had not met or spoken with anyone involved in this appeal. He wanted to make his decision based on the information presented. He added he had conversations about the issue with people at the Nevada Department of Transportation (NDOT) and at the Army Corps of Engineers (ACE).

Commissioner Herman stated she had received many emails and calls both from people opposed and in favor of the item, but she did not discuss the issue.

Mr. Slaughter disclosed he had received many emails, which were provided and placed on file with the Clerk.

Ms. Mullin conducted a PowerPoint presentation. The presentation slides were entitled: Special Use Permit WSUP17-0014; Vicinity Map; Overview of Request; Overview of Use Types; Summary of BOA Decision; Existing Location; Gail Willey Landscaping (slides 8 through 10); Colorock Operations (slides 11 through 15); Wholesale Nurseries; Previous Requests by Applicant; Project Specifics (slides 18 and 19); Development Constraints; Site Photos (slides 21 and 22); South Valleys Area Plan (slides 23 and 24); Summary of BOA Evaluation; Board Options; Additional Information; Development Constraints; and Site Photos. She reviewed the presentation. She noted the location was in a 100 year flood plain. The zoning did not allow for the uses requested by Gail Willey and Gail Willey was appealing the Board of Adjustment's decision.

Commissioner Jung asked about slide 17, which noted a request for an amendment to the Code to allow heavy industrial use. Ms. Mullin stated heavy industrial use included uses such as wholesaling, storage and distribution. She noted the Planning Commission denied the request to amend the Code.

Commissioner Jung asked if the Code amendment would allow changes throughout the entire County. Ms. Mullin stated the 2017 request for the amendment to the Development Code would have affected the entire County except for the areas that had an additional use table that would supersede the Development Code.

Commissioner Jung asked about the statement in the staff report that stated Gail Willey was applying to dispose of trees, flowers, plants and other associated landscape materials such as various types of rock. She wondered where the debris would be stored and who would be responsible for the proper disposal of said materials.

Ms. Mullin replied a portion of the operation would allow for the dumping of construction and landscape debris on the property and the specifics had not been discussed with the applicant. Commissioner Jung asked who would ensure they were disposing of the waste properly. Ms. Mullin stated they relied on the Health District to ensure disposal compliance.

Commissioner Hartung referred to slide 20 of the presentation. He asked for information regarding the constraints of the property related to flood issues. Ms. Mullin stated Steamboat Creek went across the center of the northern portion of the property and Big Ditch was located at the edge of the hillside at the rear portion of the property. She indicated the area associated with Steamboat Creek was depicted in the blue-shaded area on the map, which indicated the 100-year flood plain and floodway.

Commissioner Hartung wondered what would happen if the area flooded and asked which direction the water would flow. The Commissioners were confused about the direction of the highway based on the photos shown. Ms. Mullin said her understanding was most of the flooding issues were associated with the Steamboat Creek. She noted the applicant indicated Big Ditch irrigation canal caused flooding issues as well. Her understand was they planned to pipe the irrigation canal. She said she would

refer back to the applicant or the Director of Engineering Dwayne Smith for more information about the intent for Big Ditch.

Commissioner Hartung asked if the applicant had a current Special Use Permit (SUP) for a commercial septic tank. Ms. Mullin stated she did not know and would have to refer back to the applicant for the answer to that question.

Commissioner Hartung asked if the County would be the issuing entity to permit the bridge required to go over the Steamboat Creek or if NDOT or the ACE would be the issuing entity. Ms. Mullin stated all of the entities in question would be involved. The applicant would be required to apply for a SUP through Washoe County and it would be sent to numerous agencies for review, including the ACE and NDOT.

Commissioner Hartung said he understood the applicant intended to improve Steamboat Creek and Big Ditch, to change the normal course of water to prevent flooding in the area. He said Big Ditch was not a natural waterway; it was obviously manmade. He asked if Steamboat Creek was a natural waterway or manmade.

Mr. Smith said there were several conditions that Ms. Mullin had described. He stated any time development occurred within a flood plain it had to follow Federal Emergency Management Agency (FEMA) requirements, which followed County Development Code requirements. Development was able to occur in a flood plain, but it had to comply with the rules. If the developer modified a flood plain there was a process they would have to go through for the modification. He said this was a complicated area so he was expecting that whenever this type of project came in there would be much discussion with the engineering team and the developer's engineers. He indicated Steamboat Creek had a significant impact on this area, as well as Big Ditch. He said any fill that was placed within the flood plain area and any development that could impact the flood elevation within the floodway required mitigation. He noted Commissioner Hartung asked about the bridge crossing the creek and he stated Ms. Mullin was correct; the group would be involved in that conditioning to ensure that all the FEMA requirements were maintained and held in place. The Community Rating System (CRS) program was a very important benefit to the community and part of that requirement was to ensure all new development complied with FEMA requirements and Washoe County Code.

Commissioner Hartung wondered what would happen if improvements were made to both the Steamboat Creek and Big Ditch and whether it would intensify flooding issues downstream. He thought the water had to go somewhere and if fill was added to raise the property elevation to above the 100-year flood plain, it would seem that the water could flow over to the neighbor's property. He wanted to ensure the County was doing its due diligence in regards to flooding.

Mr. Smith said floods occurred and 30 percent of claims that went to FEMA every year were outside of flood plains. He said all areas could flood if precipitation conditions were immense. All of the Development Code requirements were

designed to ensure to the greatest degree possible that new development did not negatively impact downstream development. He said post-conditions had to meet the pre-conditions and that could be done in a variety of ways. They could detain, retain and redirect, but through all those activities the County was ensuring developers utilized engineering strategies to help mitigate the impacts downstream. When a flood occurred, it was something that could not be controlled because water would seek its direction. He said engineers were good at helping direct water flows to minimize impacts, but there would always be impacts. He noted no municipality could provide a guarantee there would not be downstream impacts regardless of development. He said they would go through the process with any development that took place within a flood plain or near the Truckee River to ensure FEMA and County requirements were met and mitigation methods were in place. He indicated the County's review process ensured design engineer reports were sealed by a Nevada Registrant to indicate the mitigation process was approved.

Commissioner Hartung wanted to know if there were assurances regarding travel on Andrews Lane. Ms. Mullin responded that concerns regarding the bridge across Steamboat Creek were addressed with the applicant prior to the review of the SUP request. She said the applicant was interested in deferring that portion of the SUP until a later date and wanted to see if the use would be allowed first. She noted the SUP was currently in place with the understanding that a SUP would be required for the bridge across Steamboat Creek due to the risk involved. Mr. Garrett Gordon, representative for the appellant, indicated he would address this issue in his presentation.

Commissioner Berkbigler asked about nurseries and said she knew there were a number of local nurseries that sold rock and landscape materials. She wanted to know if those items were all considered "industrial-heavy". Ms. Mullin replied she had not completed a comprehensive review of all of the nurseries and the associated regulatory zones. She stated there were separate rock type businesses that she would consider heavy industrial use.

Commissioner Berkbigler said she did not want the County to deny nursery use businesses if they were approved in other areas. She had questions about the presentation regarding the sale, storage and disposal of trees, flowers, plants and associated landscaping materials. She said she understood the current site allowed people to bring in landscaping materials that were removed from their property and dump them onsite. She wondered if that was going to continue at the new location. Ms. Mullin indicated that was her understanding.

Commissioner Berkbigler referred to the disposal of various types of rocks at the current location and wondered if that would occur at the new site as well. Ms. Mullin stated the applicant's representative could possibly answer that question.

Commissioner Berkbigler stated there had been complaints about odors from the waste storage area onsite. She asked if there was anything in the proposal to mitigate the problem of odors. Ms. Mullin stated there was not a specific condition of

approval related to odors except through the Health District. The Health District maintained conditions requiring that the storage and dumping of materials be kept in accordance with Health regulations.

Commissioner Berkgigler referred to slide 20 of the presentation that depicted the flood plain. She wanted to know if the area had flooded in the past year and if there was water running through the entire area. She noted it was very wet when she was toured the area, but not to the point of being muddy; she wondered whether that was flood related. Mr. Smith stated he did not see the site during the flood events of January and February so he could not confirm that it was. He stated the blue areas on the map represented the outer most 100-year flood plain identified by FEMA. He noted Steamboat Creek was still susceptible to flooding, as were areas outside of the flood plain.

Commissioner Berkgigler asked what the applicant could do to address the problem of building in that area without creating more of a flood plain. She wondered what would stop the water from flooding on Andrew Lane and downstream. She said she did not understand how the County could guarantee the development would not create a flooding issue.

Mr. Smith stated there were no guarantees that no one would be affected during flood events. He did not know the details of the site plans, but he expected to see the development and hydrology plans to determine how they might narrow the area FEMA defined as a flood plain. He said assurances that the realignment would not cause more issues would be required. The realignment of the flood plain, the deepening of channels, importation of material for fill and other forms of preventative measures were all acceptable approaches and work would have to be performed by a Nevada Registrant with a sealed report to demonstrate their knowledge and ability to mitigate the impacts. Staff would review the report to ensure the conditions were appropriate. Without knowing the details and considering the site, he was sure that measures could be taken to allow for developable areas outside the flood plain.

Commissioner Berkgigler stated her concern was the stream already contained the element Mercury and as the water traveled it would pick up the element Boron. She wanted to know how much pollution would be allowed. She noted the landscaping rocks could be swept into the floodwaters and cause contamination. She asked about the landscaping debris that was dumped on the site and was concerned it could flow into the water also. She stated the noise of dumping rocks and the sound of the equipment would be extreme and she wanted to know if there was a plan to mitigate the noise. Ms. Mullin said noise was a concern and the installation of plants and trees would help absorb some of the sound. She noted the applicant had proposed a nursery buffer area to the east and additional landscaping surrounding those uses would be helpful. She noted the hours of operation would need to be considered and trucks and equipment would not be allowed onsite before the hours of operation.

Commissioner Berkbigler stated the site was a beautiful rural area to drive through and wondered if trees could be added as screening to preserve the integrity of the scenery from the highway. Ms. Mullin stated a suggested condition of approval could include a permanent landscaping buffer along the eastern property lines and along the highway as well.

Commissioner Berkbigler asked if the Board went further than the Board of Adjustment (BOA) and approved the rest of the project, how many years it would be before anything could be moved onto the property. She wanted to know what the timeline would be considering the need to get permits from all the agencies. Ms. Mullin stated she would refer to the applicant regarding their due diligence and the timelines. She guessed the permitting process would take a substantial amount of time.

Commissioner Berkbigler asked what would happen if the engineered changes to the stream and ditch were not effective and created flooding downstream with no way to protect the integrity of the site. She wanted to ensure the County had the authority to revoke the SUP and stop Gail Willey Landscaping from doing business on the site if the improvements failed. Ms. Mullin replied the County had full authority if the applicant did not comply with the SUP's conditions of approval. The permit was only valid while the conditions were being met. One of the required conditions was ensuring Steamboat Creek did not negatively affect the water downstream or the surrounding community.

Commissioner Jung stated according to the appeal, the applicant asserted all proposed uses qualified as a wholesale nursery with incidental retail sales. She wondered what incidental retail sales were. Ms. Mullin responded this would be considered a small portion of sales would be to private residents as opposed to sales to contractors.

Commissioner Jung stated the issue of odor was only one of the complaints received over the past two years; there were also complaints of noises beginning at 4:00 a.m. consisting of back up alarms and the ground shaking when boulders were dropped.

Commissioner Hartung addressed Exhibit B from the staff report. He noted it was a letter from Patrick A. Mohn from the Nevada Division of Environmental Protection (NDEP) and he read the second paragraph of the letter, "Prior to approval of the SUP, I would recommend that Washoe County obtain proof from the applicant that they have obtained the necessary State and Federal permit for the construction and improvements at Steamboat Creek. At the minimum, it will probably need both a Construction Stormwater and an NDEP Temporary Working in Waterways permit." He indicated the NDEP was recommending that these permits be in place, but he did not believe they were.

Mr. Lipparelli, Legal Counsel, stated the matter before the Board was an appeal by the applicant of a denial of a portion of their application. The appellant received approval from the BOA for certain functions, so some of the questions relating to access and other mitigation issues would come later when there was a development plan, when grading permits became an issue. He said the key matter in front of the Board was whether the BOA got it right when it denied the portion of the application related to the certain uses. The applicant had the burden of proof to demonstrate the way in which the BOA got it wrong and it needed an opportunity to address some of the issues. Some of the questions were related more towards site development and as such were not as important to the Board's determination regarding the BOA's decision. He noted there were many folks that wanted to speak about their perspective on that and he wanted to get to some of those questions after the applicant and the citizens were able to speak.

Chair Lucey advised Mr. Garrett Gordon that as the representative for the appellant he was allotted 10 minutes to provide the Board with a presentation for this case.

Mr. Gordon announced Gail Willey and John Willey from Gail Willey Landscaping as well as Sarah Brown and Peter Benchetler from Cardno Engineering were present to speak if necessary. He conducted a PowerPoint presentation with slides entitled Project Team; Existing Location; Wholesale Nursery Existing Operations (sales of nursery items such as plants and decorative rock); Existing Location; Proposed Site Plan; Proposed Location; Prior "Actions"; Heavy Industrial Use; Wholesale Nursery; Traffic; Water; Steamboat Creek; Conditions of Approval; New Conditions of Approval; Objective Review; Summary; and Questions. He stated that the existing business was surrounded by commercial businesses and residential areas and Gail Willey Landscaping had been operating in the same location for many years. He noted their landlord lived on the same property and wanted them to renew their lease, but the family wanted to move the business to the property in Pleasant Valley and conduct business on property they owned. As a condition of approval, the business would have two water trucks on site at all times to ensure any dust or sediment would be kept wet. The proposed site plan indicated the decorative rock bins would be located on the property furthest away from the residential neighborhood and the nursery's stock consisting of plants and trees would be located on the side closest to the residential neighbors. One of the reasons they wanted to move was to increase the amount of nursery products they would have available for sale. The layout was strategically designed to shield the view of the decorative rock bins by placing them behind a hill. He said the new conditions included the limit of approximately 50 bins of rocks. In response to Commissioner Berkbigler's concern about shielding the view of the rock bins, he said he would address that when the time was right. He said the traffic in the area of the site had decreased 85 percent since US Highway 395 had diverted traffic to the new highway to Carson City. He addressed a request for a text amendment, which occurred due to an error in the minutes of the Washoe County Planning Commission meeting. He said he left the hearing at the Planning Commission with a recommendation for approval, but later received an email informing him there was a typographical error in the Resolution and it would have to go back to the Planning Commission to be fixed. He was unable to attend the hearing, but

the opposition was present at the hearing and the Commission reversed its decision on the matter. He thought this information was important to discuss because the County's staff report did not mention the previous approval of the text amendment. He completed the PowerPoint presentation by highlighting the items on the slides.

Discussion between Commissioner Jung, Commissioner Hartung and Mr. Gordon took place regarding permits. It was determined if the proper permits were not obtained, the SUP would be null and void.

Commissioner Hartung, Commissioner Herman and Mr. Gordon discussed traffic concerns including a traffic study that Gail Willey chose to have done even though it was not required. It was noted NDOT was not concerned about the traffic counts after the study was conducted and that an acceleration lane would be installed for safety reasons.

Commissioner Hartung stated his concerns regarding a setback issue on Andrew Lane. Mr. Gordon noted NDOT was not concerned about egress there.

There was discussion between Commissioner Berkgigler, Chair Lucey and Mr. Gordon regarding the timeline to obtain all the permits and whether any equipment would be working at the new location before the permits were obtained. Mr. Gordon explained the property owners had approval for a wholesale nursery and said they had every right to start work on the approved items, but nothing that pertained to the SUP or the conditions in question would be done until approval was obtained.

Chair Lucey asked if any rock crushing activity would be taking place on the property. Mr. Gordon indicated the decorative rocks would be stored there until they were delivered to a customer. They did not intend to do any rock crushing and said it could be added to the conditions if needed.

Chair Lucey was concerned about maintaining the esthetics in the area. Mr. Gordon assured him that the Willey's owned a beautiful piece of property and were dedicated to making it look better and to control flood issues. He thought they would go above and beyond with the landscaping of the property to maintain the esthetics.

Ms. Sarah Brown stated she was an Environmental Scientist from Cardno Engineering.

Chair Lucey asked if Ms. Brown could surmise what and how the improvements would impact storm water and the potential for flooding downstream.

Ms. Brown said she would defer the question to her partner, Water Resources Engineer Peter Benchetler, who was designing the channel. She said they were working with the ACE on the permit to improve the stream channel and were not including any improvements to Big Ditch.

Mr. Benchetler stated during the 100-year flood, widespread flooding was shallow as compared to the depth of the channel. He explained they were planning to remove material from the flood plain and widen the area substantially so it could contain more water during a flood event. Chair Lucey stated he was not a hydrologist and asked for clarification about how widening the area on the Willey's property would decrease downstream flooding. Mr. Benchetler stated they were creating additional volume on the subject property to store floodwater. The plans were to add some seasonal wetland depressions. He said they had only researched this at the feasibility level to ensure they would be able to contain the flood flows without increasing the water surface elevation, which was possible.

Mr. Gordon clarified that Cardno Engineering was working on the Steamboat Creek but Big Ditch was not owned by the Willey's, so the work would be completed on the subject property as much as possible to improve the flood flow of the ditch.

On the call for public comment, Ms. Cathy Brandhorst spoke about matters of concern to herself.

Ms. Sue Yonker stated she lived behind the current location of Colorock. She said she had nothing against the people that owned the business, but it should be located where it would not disrupt peoples' lives every day. She asked for help for herself and the other homeowners whose neighborhood atmosphere had been ruined by the Colorock business. She was informed the business' lease would be renewed for another two years. She said there was constant loud dumping, beeping, scraping and banging in her neighborhood. The operation was not supposed to start until 6:00 a.m., but she said the noise generally started around 5:00 a.m. and continued through the entire day. She said they were no longer able to take home videos without constant background noises and it sounded like a war zone. She explained she did horse training on her property and it had been dangerous at times because Colorock would drop a load of rocks and make horrific noises that scared the horses. She asked for the Board to prevent the business from continuing at their current location. She stated 70 neighbors signed a petition and said this type of business should be restricted from any residential area. She provided the petition, which was placed on file with the Clerk.

The following individuals spoke in opposition to the approval of a Special Use Permit being issued to Gail Willey for the purpose of wholesaling, storage and distribution, and heavy construction sales and services: Ms. Tammy Holt Still; Mr. Paul Riccardi; Mr. Paul Gonzalez; Ms. Delia Greenhalgh; Mr. Randy Johnson; Ms. Heather Johnson; Mr. Bill Naylor; Mr. Jim Morrow; Mr. Jeff Cates; Ms. Marilyn Cebe; Ms. Andrea Nichols; Ms. Marilyn Naylor; Mr. Jack Greenhalgh; Ms. Lani Wilkes; Mr. Jeremy Wilkes; Mr. Hershel Rosenbaum; Mr. Michael Sullivan; Ms. Ann Pierce; Ms. Celine Cling; Mr. Bodie Monroe; Ms. Maryke Bekken; Ms. Kathy Howard; Ms. Carol Stratford; Ms. Donna Ballard; Mr. Michael Henry; Mr. Paul Howard; Mr. Bob Maddox; Ms. Barbara Twitchell; Ms. Kimberly Rhodemyre; Ms. Ginger Pierce; Mr. Cliff Low; Mr. Reed Williams; Mr. Scott Jordan; Ms. Kim Wallin; Mr. Jim Noriega; Ms. Lynda Bell; Ms. Lois Kolbet; Mr. Jacob Rosenbaum; Mr. Erik Rosenbaum; Ms. Juanita Cox;

Ms. Cynthia Schardt; Mr. Gary Houk; Mr. Charles Rosenbaum; Ms. Carey Rotoli; Mr. William Schaefer; Mr. Kelly Dean; and Ms. Joannah Schumacher.

The following individuals provided documents, which were placed on file with the Clerk: Ms. Delia Greenhalgh; Mr. Randy Johnson; Ms. Heather Johnson; Mr. Bill Naylor; Mr. Jim Morrow; Mr. Jeff Cates; Ms. Marilyn Cebe; Ms. Marilyn Naylor; Mr. Jack Greenhalgh; Mr. Jeremy Wilkes; Ms. Celine Cling; Ms. Maryke Bekken; Ms. Kimberly Rhodemyre; Ms. Ginger Pierce; Mr. Kelly Dean; Mr. Michael Sullivan; Mr. Hershel Rosenbaum; Ms. Kathy Howard; Mr. Donald Drake; Mr. Paul Howard and Mr. Bob Maddox. Ms. Linda Harrison did not speak but provided documents regarding her opposition.

Individual concerns included: excessive traffic; a blind corner on Andrews Lane; acceleration and deceleration lanes would need to be added on Andrews Lane; a bridge for access would need to be built; the costs of road improvements; decreased access for emergency vehicles to reach areas past the proposed site; the use of heavy equipment to haul rocks and boulders to and from the location; the parcel was not designed for heavy construction operations; excessive noise; the noise would intensify when snow was on the ground; dangerous silica dust could be released into the air from rocks when they were loaded into trucks; back up alarms on equipment; development could create flood dangers to the existing adjacent stream and a nearby ditch; rainwater could be contaminated by rocks and could flow into the stream; the area was located in a 100-year flood plain; development could remove the rural aspect of the property; the danger of mercury located on the parcel; the parcel was located in a residential rural area; and the noise of the operation started at 5:00 a.m. and continued throughout the day and evening hours.

Ms. Brigitta Rosenbaum spoke regarding property damage issues she encountered with Gail Willey Landscaping. She indicated landscaping trucks were using her driveway to enter and exit the property and hit her mailbox multiple times. She said Mr. Willey agreed to replace the mailbox, but it was never replaced.

Mr. John Willey stated he was the General Manager of Gail Willey and Colorock. He noted Gail Willey was his uncle and it was a family business solely owned by Gail Willey. He heard many people talk about the business being their near home and he said it was near his home also. His family had been located in South Reno for more than 30 years. He stated in the peak of their season they employed close to 90 local people. He said the businesses created a tremendous tax base for the County, the City of Reno and for their employees who made the company what it was. He said the approval of the SUP would not benefit one man, but rather it would benefit many families, residents and businesses. He indicated his 88 year old uncle, Gail Willey's, plan for his retirement was to work until he could not work any longer and then allow the ownership of the business to revert to the employees. He said they had never been anywhere except South Reno since 1985. He explained the landscaping business had won 30 awards by the Nevada Landscape Association residential and commercial construction; two of them were environmental awards. He noted they were very conscience of the environment and

proud of the workmanship they provided to their customers. He stated when flood issues on the property were addressed; they hired the best engineering firm to mitigate the water. He said the engineers knew what to do with flooding and to mitigate concerns. He said he took the engineers to survey the property and they told him with confidence they could make the project work and reduce the flood problem. He said if the creek or ditch flooded, their business would be decimated so they were willing to put in as much effort as was required to satisfy all parties and to ensure any flooding was mitigated. He said if the property was left to its own devices, it would continue to flood.

Mr. Donald Drake spoke regarding his concern about the access to Virginia Street and Steamboat Valley Toll Road. He stated this road was utilized in emergencies. He noted the road went right through the Willey's property and he wanted to ensure the Board knew about this issue.

Mr. Marvin Davis stated he was a professional engineer in Washoe County and lived in the area for more than 50 years. He noted he was familiar with the property and contrary to the many people who were opposed to the proposed SUP, he believed a property left vacant would be worse off than if it was utilized. He displayed photos of the flooded vacant land, which was placed on file with the Clerk. He noted the conditions set for the appellants would benefit the residents downstream. He stated the long list of conditions of approval could be mitigated or dealt with in professional and technical ways.

Ms. Smithers Marques spoke in favor of Gail Willey's project. She indicated she worked for the owners of the land where the current Gail Willey operation was located. She stated that six years ago she and the landowners had the same concerns as most of the people who spoke in opposition. She indicated they sat down with Mr. Willey and discussed the concerns and he did his due diligence. She said the business minimized dust and noise. She thought adding the conditions for approval would make a difference for the residents at the proposed site and said Mr. Willey was working to meet all the conditions. She said Mr. Willey ran a good business.

The following individuals were called to speak for public comment, but were not present: Ms. Judi Henry; Mr. Jerome Fritz; Ms. Tracy Foster; Mr. Robert Sonderfan; and Ms. Kathryn Anne Murders.

Commissioner Hartung said he had concerns regarding flooding and excessive noise in the proposed area. He stated he could hear large rocks being dropped at Martin Marietta's Spanish Springs Quarry and his home was more than two miles away from the operation. He was apprehensive about the allowed dumping at the Gail Willey site because of the length of time the piles remained before disposal.

Commissioner Jung agreed with Commissioner Hartung and did not believe it was the right time to approve heavy industrial use in the area. She did not believe the rocks were an auxiliary use because she toured the facility and there were rocks as far as she could see on the site. She said she would not support the project at this

time. She thought the project did not reflect the transition between urban and rural, and the noise would be excessive.

Commissioner Berkbigler said she continued to have concerns about this project. She said a rock business was close to her home and even though they did not have big trucks, she could hear the operation. She stated if she had been hearing big trucks and beeping noises she would be complaining to the Reno City Council. She said she respected the Gail Willey business, but she did not believe this was the right move.

Commissioner Herman thought Gail Willey could trade his property for a better location away from residents. She was not in support of the project.

Commissioner Hartung stated the Board was tasked with many tough decisions. He said some people wanted to the Board to deny all of the uses on the property and some were in favor of the nursery business, but not the rocks. He noted the later was staff's recommendation. He moved to deny the Special Use Permit and Commissioner Berkbigler seconded the motion.

Deputy District Attorney Paul Lipparelli explained the Board of Adjustment approved a SUP, made the findings for the approval of the SUP that took into consideration things like traffic, noise and impacts on the surrounding area as to the wholesale nursery use. He said that was approved and was not appealed by the applicant or anyone else. That approval would stand unless the Board wanted to overturn the decision of the wholesale nursery. He explained the options were: to allow the BOA's decision to stand which allowed for the wholesale nursery business and did not include the items that were considered industrial type uses, to modify the decision the BOA made by adding conditions, or to overturn the BOA's denial and make a finding that the application fit within Code provisions for nursery use and to allow that use with an SUP.

Chair Lucey said as the representative for and longtime resident of District 2 he felt that Mr. Willey was an honest and decent man trying to conduct a successful business within the community. There were challenges to every business within the community whether it was noise, lights, or some other sorts of impacts. It reflected natural growth and it happened all the time. Sometimes the challenges could be dealt with and sometimes they could not. He said based upon the discussion and hearing the different opinions of the nearby residents and concerned citizens of District 2, he could not support the heavy industrial use in that area. He was concerned there could be a disruption in lifestyle, challenges to the aquifer, and possible affects to the preservation of Big Ditch and Steamboat Creek based upon the drainage downstream. He stated he was supportive of a wholesale nursery at the proposed location, but not of the proposed heavy industrial use. He thought the plans Mr. Willey brought forward regarding the beautification of the site were feasible and that Mr. Willey was a man of good intentions; however, considering the impacts of the Colorock operation, he could not support the amended conditions for this appeal.

On motion by Chair Lucey, seconded by Commissioner Hartung, which motion duly carried unanimously, it was ordered to deny the appeal and affirm the decision of the Board of Adjustment as set forth in the staff report.

7:47 p.m. The Board recessed.

7:50 p.m. The Board reconvened with all members present.

17-0974 AGENDA ITEM 23 Public Comment.

Ms. Tammy Holt-Still commended the Board for their decision to preserve the rural area. She thought Director of Engineering Dwayne Smith provided incorrect information regarding the percentage of flood related claims were out of the flood zone. She said she attended the City of Reno Planning Commission meeting regarding the Stonegate development. She stated at meeting Mr. Smith agreed with the developer that within two weeks there would be a memorandum of agreement to attach the development to the sewer plant in Cold Springs. She thought a commitment like that should be considered by the Board. She clarified that after the flooding in Lemmon Valley, there were only three septic tanks and one well that needed work. She believed there had been misconceptions about that issue. She explained it would cost Incline Village more in taxes if there were buy-outs in Lemmon Valley. She thought citizens in Lemmon Valley had paid for some of the improvements to the walkways in Incline Village. She wanted a resolution to the Lemmon Valley issues to be handled quickly.

17-0975 AGENDA ITEM 24 Announcements/Reports.

There were no comments from the County Manager or the Commissioners.

* * * * *

7:55 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*



**RESOLUTION OF THE WASHOE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**INITIATING AN AMENDMENT TO THE WASHOE COUNTY MASTER PLAN,
SPANISH SPRINGS AREA PLAN (WMPA17-0012)**

Whereas, Section 110.820.05 of the Washoe County Code allows for amendments to the Master Plan to be initiated by resolution of the Washoe County Commission or Washoe County Planning Commission; and

Whereas, the Board of County Commissioners provided direction to amend the Washoe County Master Plan, Spanish Springs Area Plan Policy SS.1.3(f), to remove or modify a clause that currently limits the General Commercial (GC) regulatory zone to properties with a regulatory zone of GC prior to August 17, 2004; and

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.820.05(b) that an amendment is initiated to the Washoe County Master Plan, Spanish Springs Area Plan as set forth in the agenda for the November 28, 2017 meeting of the Washoe County Board of County Commissioners, that a public hearing with the Washoe County Planning Commission on the amendment shall be held within a reasonable period of time from this resolution's adoption date, and that this amendment is initiated without prejudice to its final disposition.

ADOPTED on November 28, 2017.

WASHOE COUNTY
BOARD OF COUNTY COMMISSIONERS:

ATTEST:



Nancy Parent, Washoe County Clerk



Bob Lucey, Chair

11-015-2

RESOLUTION – Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$25,000 in funding is needed to assist in providing services at the Washoe County Child Advocacy Center, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Friends of Washoe County Child Advocacy Center, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2017-2018 in the amount of \$25,000.
2. The Board finds that in making this grant a substantial benefit will be provided to the clients of the Child Advocacy Center by providing services, programs, and equipment.
3. The maximum amount to be expended is \$25,000.

Adopted this 28th Day of November, 2017



ATTEST:

Nancy L. Pout
County Clerk

Bob Lucey
Bob Lucey, Chairman
Washoe County Commission

17-0955

**INTERLOCAL CONTRACT
BETWEEN LAS VEGAS METROPOLITAN POLICE DEPARTMENT AND
THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE
WASHOE COUNTY SHERIFF'S OFFICE**

WHEREAS, Las Vegas Metropolitan Police Department ("LVMPD"), is in receipt of FY 17 Internet Crimes Against Children grant funds, CFDA # 16.543; and

WHEREAS, the Washoe County Board of Commissioners on Behalf of the Washoe County Sheriff's Office (the "Subrecipient"), a unit of local government located at 911 Par Blvd., Reno, NV 89512 wishes to conduct programming under the Internet Crimes Against Children grant (the "Project"); and

WHEREAS, LVMPD has agreed to provide FY 17 Internet Crimes Against Children grant funds (the "Funds") to the Subrecipient, such funding to be administered by the LVMPD (LVMPD and Subrecipient referenced collectively as "the parties"), for support of investigations related to Internet Crimes Against Children (ICAC) as defined in Exhibit "A", "Expenditures Eligible for Reimbursement"; and

WHEREAS, the Subrecipient intends to use the funds to conduct investigations of child sexual exploitation; and

WHEREAS, NRS 277.180 permits one or more public agencies to contract with any one or more public agencies to perform any governmental service, activity or undertaking that any of the public agencies entering into the contract is authorized to perform by law.

NOW, THEREFORE, in accordance with NRS 277.180 and related regulations, the parties hereto agree as follows:

- 1. LVMPD shall provide a maximum of SIXTY THOUSAND DOLLARS (\$60,000.00) from Fiscal Year 2017 funds for the investigation of child sexual exploitation.**
- 2. Subrecipient agrees to submit requests for reimbursement for allowable expenditures under the line items defined in Attachment "A". Requests for changes to the budget must be approved in writing by LVMPD.**
- 3. Subrecipient will provide LVMPD with documentation supporting any and all requests for payment of expenses against the funds encumbered, and will provide any additional documentation requested by LVMPD that may be required in the administration of the grant funds.**
- 4. Regardless of any termination of this agreement, Subrecipient shall comply with all Federal laws and regulations associated with the receipt of the grant funds as a Subrecipient of such funds for the project identified in this Contract. See Exhibit "B" for Federal Assurances required under this Contract.**
- 5. It is specifically understood and agreed by Subrecipient that LVMPD shall not be obligated to pay any monies to Subrecipient hereunder and hereafter in the event that**

17-0959

such Federal funds for any reason are terminated or withheld from LVMPD or are otherwise not forthcoming, and in such event, LVMPD may terminate this Contract.

6. This Contract shall take effect on the date of execution by both parties and shall continue in force and effect until terminated as delineated below:
 - a. This Contract shall be completed by September 30, 2018 unless extended in writing by LVMPD.
 - b. This Contract may be terminated by any party, for any reason with written notice of at least 60 days.
7. This Contract and its attachments constitute the entire understanding of the parties concerning the subject matter hereof. This contract may be amended solely by means of written amendment signed by both parties.
8. In the event LVMPD desires to increase the amounts set forth in Section 1 and Attachment A, subject to Subrecipient's consent to provide matching funds if necessary, LVMPD, at its sole discretion, shall increase the aforesaid amounts of funding, and Subrecipient agrees that if such augmentation of the budgeted amounts occur, such new amounts shall be governed by all terms and conditions of this Interlocal Agreement as if such amounts were originally included in Section 1 and in Attachment A.
9. Subrecipient shall agree to provide evidence of financial accountability. A copy of subrecipient's most recent single audit report (2 C.F.R. Part 200, Subpart F) or a letter stating that subrecipient expended less than \$300,000 of Federal funds during the reporting period must be submitted to LVMPD annually. Letters should be addressed to: Shalene Flynn, Grants Analyst, Las Vegas Metropolitan Police Department.
10. Subrecipient agrees to comply with the investigative standards detailed in the Internet Crimes Against Children Operational and Investigative Standards.
11. All correspondence and reports concerning this agreement shall be addressed as follows:

Shalene Flynn, Grants Analyst
400 Martin L. King Blvd.
Las Vegas, NV 89106
(702) 828-8210
S15264F@LVMPD.COM

**INTERLOCAL CONTRACT
BETWEEN LAS VEGAS METROPOLITAN POLICE DEPARTMENT AND
THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE
WASHOE COUNTY SHERIFF'S OFFICE**

ENTERED INTO this _____ day of _____, 2017.

ATTEST:

By: Tanaka Wilson
Tanaka Wilson,
LVMPD Fiscal Affairs Committee Clerk

LVMPD

By: Joseph Lombardo
Joseph Lombardo, Sheriff
Las Vegas Metropolitan Police Department

Date: 10/23/17

Date: 10.23.17

APPROVED AS TO FORM:

By: Charlotte Bible
Charlotte Bible, LVMPD Assistant General Counsel

Date: 10-19-17

ATTEST:



By: Nancy Parent
Nancy Parent
County Clerk

**Washoe County Board of Commissioners on
Behalf of the Washoe County Sheriff's Office**

By: Marsha Berkbigler
Marsha Berkbigler Bob Lucey
Chair, Board of County Commissioners

Date: November 28, 2017

Date: November 28, 2017

APPROVED AS TO FORM

By: _____
Christopher Hicks
District Attorney

APPROVED AS TO TERMS

By: Chuck Allen
Chuck Allen, Sheriff
Washoe County Sheriff's Office

Date: _____

Date: 10/31/17

**Attachment "A" - Expenditures Eligible for Reimbursement
 FY 17 Washoe County Internet Crimes Against Children Budget
 2017-MC-FX-K019**

July 1, 2017 through September 30, 2018

Item	Application Budget
Personnel	
Overtime	\$ 17,000.00
Subtotal	\$ 17,000.00
Travel	
Forensic Training (Encase, FTK, FLETC, Paraben, A+, Net+, NW3C, Etc.)	\$ 7,480.00
National ICAC Conference	\$ 3,408.00
Subtotal	\$ 10,888.00
Equipment	
Hard drive and external memory	\$ 1,002.00
Computer peripherals and components	\$ 3,500.00
Upgrades to undercover computers and equipment	\$ 2,200.00
Forensic examination equipment/tools	\$ 10,240.00
Subtotal	\$ 16,942.00
Supplies/ Operating	
	\$ -
	\$ -
Subtotal	\$ -
Other/Services	
Forensic and Child exploitation training/certification	\$ 7,420.00
Forensic software	\$ 6,505.00
Wireless Internet/Cellular Fees	\$ 1,245.00
	\$ -
Subtotal	\$ 15,170.00
Other/Training	
Subtotal	\$ -
GRAND TOTAL	\$ 60,000.00

EXHIBIT "B"

LOCAL and FEDERAL ASSURANCES

Financial and Project Activity Assurances

Upon acceptance of funding from LVMPD, the lead governmental unit hereby agrees to the following financial and project activity assurances governing the transfer of funds.

1. A quarterly Financial Report shall be submitted to Las Vegas Metropolitan Police Department not later than 15 days following the end of the modified quarter schedule below:

June 1-August 31

September 1-November 30

December 1-February 28

March 1-May 31

Requests for reimbursement must be submitted using the LVMPD Quarterly Financial Report form and shall include copies of paid invoices and appropriate payroll documentation as applicable. Unless approved by LVMPD, late reports could delay reimbursement.

2. The final Financial Report must be submitted to LVMPD no later than 30 days following the end of the contract period. Unless approved by LVMPD, late reports could result in non-payment of final claim.
3. LVMPD retains the right to terminate this contract for cause at any time before completion of the program when it has determined that the subgrantee has failed to comply with the conditions of this agreement.
4. Financial management must comply with the requirements of The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F. R. Part 200, as adopted and supplemented by DOJ in 2 C. F. R. Part 2800 , whichever is applicable to your organization.
5. All grant expenditures are to be reasonable and allowable in accordance with OMB Uniform Guidance 2 C.F.R. Part 220, 2 C.F.R. Part 225 or 2 C.F.R. Part 230, whichever is applicable to your organization, and which are incorporated into this agreement by reference.
6. All grant expenditures are to be made in accordance with the interlocal contract, and within current DOJ and grant specific guidelines. Modifications must be requested and approved in advance by submitting an LVMPD Project Change Request form to LVMPD.
7. Grant revenue and expenditure records must be maintained and made available to the LVMPD for audit.
8. Subgrantees shall comply with the audit requirements of the Single Audit Act Amendment of 1986 and 2 C.F.R. Part 200, Subpart F, which is incorporated into this agreement by reference, to include the required submission of the most recent annual independent audit.
9. Subgrantees that are institutions of higher education, hospitals or other non-profit organizations shall comply with the audit requirements of 2 C.F.R. 215.

10. Required documentation for the performance of internal audits must be provided to LVMPD within 30 days of request. Grant closeout is contingent upon LVMPD audit and resolution of any discrepancies
11. The subgrantee agency is required to submit quarterly financial and project activity reports to LVMPD. Due dates for those reports are as follows:

December 15 - (for reporting period September 1- November 30)
March 15 - (for reporting period December 1 to February 28)
June 15 - (for reporting period March 1 to May 31)
September 15 - (for reporting period June 1 to August 31)

The reports should be completed in accordance with the following format and standards:

12. **Project Activity Report** – A narrative status report describing program accomplishments with respect to meeting stated objectives and completing the projects approved in the allocation of funding. The subgrantee activities should be reported for the quarter and for the cumulative period from the grant award date. Report can be done in a memo format.
13. **Quarterly Financial Reports** – Complete and submit a Quarterly Financial Report form for all expenditures funded by the grant. This request will be accompanied by copies of paid invoices and other documentation required by LVMPD to substantiate the request for reimbursement.
14. **Project Change Request** – Grant expenditures are authorized only for purchases and activities approved by DOJ under the grant application process. Any change in the project scope, needs to be submitted to LVMPD for submittal to DOJ for approval.
15. Funds granted are to be expended for the purpose set forth in the grant award and in accordance with all applicable laws, regulations, policies, and procedures of the State of Nevada and the applicable federal granting agency.
16. No expenditures will be eligible for compensation if occurring after the term of the interlocal contract.
17. If this grant funds any form of written or visual material that identifies employees of LVMPD, prior approval must be obtained from the LVMPD before publishing or finalization.
18. The subgrantee assures the fiscal accountability of the funds received from the LVMPD will be managed and accounted for by the jurisdiction's chief comptroller and internal control and authority to ensure compliance with LVMPD documentation, record keeping, accounting, and reporting guidelines will reside with that individual.
19. The subgrantee shall neither assign, transfer nor delegate any rights, obligations or duties under this interlocal contract without prior approval of LVMPD.
20. To the extent permitted by law, the subgrantee will indemnify, save and hold LVMPD and its agents and employees harmless from any and all claims, causes of action or liability arising from the performance of this agreement by subgrantee or its agents or employees.
23. Subrecipient shall comply with the investigative standards detailed in the Internet Crimes Against Children Operational and Investigative Standards.



OMB APPROVAL
NUMBER 1121-0140

EXPIRES 05/31/2019

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 2800 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the Department of Justice), and Ex. Order 12372 (intergovernmental review of federal programs). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subrecipients or contractors to comply) with any applicable nondiscrimination provisions, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. §10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Violence Against Women Act (42 U.S.C. § 13925(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). It will also comply with Ex. Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.
7. If a governmental entity?
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and

- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

As the duly authorized representative of the subrecipient, I hereby certify that the subrecipient will comply with the above assurances and certifications.

NAME: Chuck Allen TITLE: Sheriff

SIGNATURE:  DATE: 10/31/19

*** Must be signed by the County Manager/Chief Financial Officer, the Tribal Chairman/designee, Chief of Police or the state agency director as appropriate**

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement,

theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Have not within a two-year period preceding this application been convicted of a felony criminal violation under any Federal law, unless such felony criminal conviction has been disclosed in writing to the Office of Justice Programs (OJP) at Ojpcompliancereporting@usdoj.gov, and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

(d) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(e) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. FEDERAL TAXES

A. If the applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at Ojpcompliancereporting@usdoj.gov, and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME: Chuck Allen TITLE: Sheriff

SIGNATURE:  DATE: 10/31/17

* Must be signed by the County Manager/Chief Financial Officer, the Tribal Chairman/designee, Chief of Police or the state agency director as appropriate

INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

A Contract Between the State of Nevada
Acting by and Through Its
Department of Health and Human Services
Division of Public and Behavioral Health

Lake's Crossing Center
500 Galletti Way
Sparks, Nevada 89431
Ph: (775) 688-1900 · Fax: (775) 688-1909

and

Washoe County
1001 East 9th Street – A201
PO Box 11130
Reno, Nevada 89520-0027
Ph: (775) 328-2000 · Fax: (775) 328-2037

WHEREAS, NRS 277.180 authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, it is deemed that the services hereinafter set forth are both necessary and in the best interests of the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective **July 1, 2017** to **June 30, 2021**, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until 30 days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State, County and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired without penalty, charge or sanction to the terminating party.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.

1-1-09104

6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT AA: SCOPE OF WORK

ATTACHMENT BB: FEE SCHEDULE

7. CONSIDERATION. **Lake's Crossing Center** agrees to provide the services set forth in paragraph (6) at a cost **reflective upon the rates set forth in Attachment BB – Fee Schedule**, with total Contract not to exceed **\$1,884,800.00**.

Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

8. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations expressly provided.

9. INSPECTION & AUDIT.

a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the other party, the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.

b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the other party, the State Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives.

c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained by each party for a minimum of three years and for five years if any federal funds are used in this Contract. The retention period runs from the date of termination of this Contract. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

11. FORCE MAJEURE. Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.

12. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity.

13. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Contract, and in respect to performance of services pursuant to this Contract, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Contract,

shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

14. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

15. SEVERABILITY. If any provision of this Agreement is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, the parties shall, if possible, agree on a legal, valid, and enforceable substitute provision that is as similar in effect to the deleted provision as possible. The remaining portion of the Agreement not declared illegal, invalid, or unenforceable shall, in any event, remain valid and effective for the term remaining unless the provision found illegal, invalid, or unenforceable goes to the essence of this Agreement.

16. ASSIGNMENT. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Contract without the prior written consent of the other party.

17. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints, plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.

18. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

19. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract.


20. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).

21. GOVERNING LAW; JURISDICTION. This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Contract.

22. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada Office of the Attorney General.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Washoe County
Public Agency #1


Bob Lucey

11/28/17
Date

Chairman
Washoe County Commissioners
Title

Division of Public and Behavioral Health
Public Agency #2

_____ Date
for Amy Roukie, MBA

Administrator
Division of Public and Behavioral Health
Title

_____ Date
for Richard Whitley, MS

Director,
Department of Health and Human Services
Title

Signature – Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

Approved as to form and compliance with law by:

On _____
(Date)

Deputy Attorney General for Attorney General, State of Nevada

On _____
(Date)

ATTACHMENT AA SCOPE OF WORK

DEFINITIONS

1. The County means, the District Attorney, the Office of the Washoe County Public Defender, the Alternative Public Defender and conflict attorneys.
2. The Court means the Second Judicial District Court.
3. The State means the Division of Public and Behavioral Health, Lake's Crossing Center for Mentally Disordered Offenders.
4. A defendant means a person detained or housed at the Washoe County Detention Facility or released by the court pending adjudication, regardless of whether that person has been charged with, arraigned on, or is pending sentencing.
5. The Mental Health professional means a person, who is a clinical psychologist or clinical social worker, is licensed as such by the State of Nevada and is an employee of the State of Nevada or under contract to the State.
6. Competency evaluations may include, with the approval of the requesting agency, the following classes of standardized tests including but not limited to; cognitive/intellectual assessment; personality diagnostic measures/neuro-psychological screening and formal forensic measures of competency, risk and malingering at the standardized testing rate in Exhibit B – Fee Schedule.

STATE'S RESPONSIBILITIES

The State will:

1. Accept referrals from the County Public Defender's Office, the Alternative Public Defender, conflict attorneys, District Attorney's Office and the Court. These referrals for performing evaluations of defendants shall allow the procedures outlined in "County's Responsibilities", of this Article, and shall be in writing on the form designated by the State. All statutorily required documentation shall accompany the request".

If no legal counsel has been obtained for a defendant for whom an evaluation is sought, no referral will be accepted. All referrals for competency evaluations must be subject to a court order after an attorney for the defendant has been appointed. Other categories of evaluations may be completed after an attorney has been appointed with the signed consent of the defendant to do so. All records necessary to complete the evaluation must be received prior to the evaluation being completed. If the appropriate records are not provided the evaluator shall indicate in writing and the evaluation will not be completed until the records are received. The State will conduct mental evaluations as time allows in the five areas as prioritized below.

- A. Competency Evaluations per NRS178.415
- B. Risk Assessments per NRS176.A.110 (as designated pre-sentencing)
- C. Criminal Responsibility Assessments
- D. Substance Abuse Evaluations
- E. Other Evaluations necessary for sentencing determinations as requested by the Court

2. The assigned evaluator will complete the requested assessment according to national standards for the types of mental health assessments indicated above. Pre-commitment Competency Evaluations will be completed by reviewing the medical and legal records provided by the Court and/or Public Defender's office. A clinical interview/mental status examination will be conducted with the defendant to the degree the defendant cooperates. The initial competency evaluation may include, at no additional cost, an administration of the Revised Competency Assessment Instrument (RCAI). Should any other appropriate third party corroboration be required, the examiner will seek to access that information. When these steps are completed, the report will be generated, edited and provided to the Court, the defense and the prosecutor. Should the evaluator or officers of the court deem it necessary to complete standardized testing above and beyond the standard mental status examination or structured competency interview or complete other extensive investigative record review, the County will be charged the standardized

testing rate in Exhibit B – Fee Schedule. Such additional testing will be only with the prior approval of the Public Defender. Should interpreter services be necessary, the State will inform the County of the need and will continue the evaluation once the County has provided interpreter services. Other psychological assessments may be requested by the Court and the Public Defender’s office on a case-by-case basis, as service time is available at an additional cost which will include any risk assessments pre-conviction. The State will provide program evaluation data to indicate work performed.

3. Complete the evaluations and submit the associated reports to the person who requested the evaluation within fifteen (15) working days of the referral, assuming required interpreter services are provided by the County when requested by the State. In the event that the pertinent statutorily required records and reports have not been received within this time frame, the evaluation shall so reflect and the defendant may be more fully evaluated upon receipt of the information. Additional evaluations or re-evaluation of the same defendant may not be requested of the State, under any other circumstance unless so designated in this attachment.

All reports prepared pursuant to this Attachment are to be treated as privileged communications unless and until they are filed with the appropriate court or authorized to be released by the defendant’s attorney. Reports filed with the Court will be controlled as provided by Court rule.

4. Attend Court hearings as requested by the Court, the Public Defender’s office, Alternative Public Defender, conflict attorneys or the District Attorney’s office, per Attachment BB, Fee Schedule.

5. Provide the necessary clerical support to prepare and maintain the documents/reports required pursuant to this Attachment and in accordance with its timeliness.

6. Conduct all evaluations through a Mental Health Professional, a salaried employee of the State or professional under contract with the State. The State will provide appropriate back-up coverage to meet all standards as outlined in this Attachment. The State acknowledges that the Mental Health Professional is not an employee of the County and that the County is not responsible for the supervision or control of the employment of the Mental Health Professional, nor his/her acts or omissions.

7. Allocate sufficient available work hours of the Mental Health Professional to conduct the mental health evaluations (competency, risk assessment, criminal responsibility assessments and substance abuse referrals) in the jail or, if released to the community, at Lake’s Crossing Center outpatient area. Preparation of the court reports will be included as time allocable to the County under this Attachment.

Lake’s Crossing Center personnel conducting business at the Washoe County Sheriff’s Office Detention Center will immediately notify the Sheriff, where feasible, of all issues involving the safety or security of the facility.

COUNTY’S RESPONSIBILITIES

1. The County designates the County Manager or his/her designee as the person who will manage this Attachment and function as the contact person for the State.

2. The County through the Public Defender, Alternative Public Defender, conflict attorneys and/or their designee will make a written referral to the State for client competency evaluations. We require a court order for all competency evaluations. A court order or a signed consent is required for all other evaluations. The Public Defender, Alternative Public Defender or conflict attorneys will provide the State with written authorization for the release of the defendant’s medical and mental health records, signed by the attorney of record or by the defendant. The Public Defender, Alternative Public Defender or conflict attorneys shall also provide the State information in its possession concerning the defendant and the current criminal charges pending against the defendant. If a criminal defendant represented by private counsel wants to utilize the services of the Mental Health Professional for a competency evaluation, private counsel must work through Assistant County Manager and/or Lake’s Crossing Center Agency Director and will be subject to the same requirements as outlined above for the Public Defender or conflict attorneys.

3. The County shall provide access to and bear the costs of the facilities and equipment at the Washoe County Detention Facility, which are necessary to the performance of the State's duties under this Attachment. This includes, but is not limited to, office space, furniture, telephone, facsimile machine and copier.

4. The County shall provide the State access to defendants on a timely basis for interviews, questions, consultation and other forms of participation under this Attachment.

5. The County will provide any interpreter services required for the State to complete the required evaluations. These interpreter services will be provided at the County's expense and are not reimbursable under this Attachment

6. The County will provide access to defendant medical records for the Mental Health Professional as needed for the purpose of ensuring properly informed evaluations. The attorney shall procure a signed release from the defendant to allow examiners to access medical records at the jail in order to complete assessments. In the absence of a signed consent, a court order to access records should be provided. Should neither of these be provided the evaluation shall document that insufficient information was available to provide a complete assessment.

7. The County will see that defendants not in custody will appear for scheduled appointments with the State provided Mental Health Professional. Should a client miss more than one (1) appointment and a subsequent re-scheduled appointment, he or she will be referred back to the county for assessment. The County will take full responsibility for any missed court appearances.

FEES FOR SERVICE

1. The State will submit monthly to the County Manager's office, invoices detailing the services rendered by evaluation, the client tracking number, the type of evaluation, the place of evaluation and the Mental Health Professional who conducted the evaluation.

2. The County shall pay the State for these services based on the monthly invoices submitted to them within 30 days of receipt, provided the invoice contains sufficient specificity to enable the authorization of payment. The County reserves the right to withhold any payment if it is determined that the services described herein have not been provided or reported by the terms of this Attachment.

Attachment BB
 FEE SCHEDULE
 C 15972

Fee Schedule				
Annual Services	Flat Rate	Per Hour	Units	Total
Completed Evaluation	\$ 450		1,000	\$ 450,000
Cancelled Evaluation	\$ 70		160	\$ 11,200
Expert Witness Testimony		\$ 135	50	\$ 6,750
Standardized Testing		\$ 65	50	\$ 3,250
Total				\$ 471,200
Term of Contract in Years				4
Not to Exceed Amount				\$ 1,884,800